United Nations E/2000/75

Economic and Social Council

Distr.: General
15 June 2000

Original: English

Substantive session of 2000
New York, 5 July-1 August 2000
Item 14 (f) of the provisional agenda*
Social and human rights questions: implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Report of the Secretary-General

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I. Introduction

1. The present report has been prepared in response to the request of the General Assembly, in pursuance of Assembly resolution 54/154, by which it requested the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities undertaken to combat racism and racial discrimination by United Nations bodies and specialized agencies, and containing an analysis of information received on such activities. The report also contains information on the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in the year 2001 in South Africa.

2. On the basis of the General Assembly's request for information contained in its resolution 54/154, the Office of the United Nations High Commissioner for Human Rights sent a note verbale to United Nations bodies and specialized agencies requesting information on their activities to combat racism and racial discrimination. As of 10 May 2000, replies had been received from the following United Nations bodies and specialized agencies: the Department of Public Information of the United Nations Secretariat, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the United Nations Office for Drug Control and Crime Prevention, the United Nations Population Fund (UNFPA), the United Nations Volunteers (UNV), the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

II. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination within the United Nations System

3. The Commission on Human Rights, in its resolution 1998/26, requested that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused on the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

4. A report was submitted to the Commission on Human Rights by the Secretary-General on the implementation of Commission on Human Rights resolution 1999/78 (E/CN.4/2000/15). The report contained details of the action taken by the Office of the United Nations High Commissioner for Human Rights as of December 1999 to implement the requests outlined in Commission resolution 1999/78. Consequently, the present report reviews only action taken between January and May 2000.

A. Commission on Human Rights

5. In its resolution 2000/14 on racism, racial discrimination, xenophobia and related intolerance, the Commission on Human Rights welcomed the offer by South Africa to host the Conference in 2001.

6. In the same resolution, the Commission on Human Rights decided to appoint an 11-member Bureau for the two sessions of the Preparatory Committee of the Conference, comprising two representatives per regional group and a representative of the host country as an ex-officio member.

7. The Commission invited Governments to promote the participation of national institutions and local non-governmental organizations in the preparations and in regional meetings. It also encouraged all parliaments to participate actively in the preparation of the Conference through the relevant international organizations.

B. First session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

8. The Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held its first session in Geneva from 1 to 5 May 2000, as mandated by the General Assembly in paragraph 29 (d) of its resolution 52/111.

9. The session was attended by representatives of Member States of the United Nations, non-member States represented by observers and Palestine, specialized agencies, United Nations bodies, intergovernmental organizations, other entities, human

rights bodies and mechanisms, and non-governmental organizations.

10. In its 12 meetings, the deliberations of the Preparatory Committee dealt with both substantive and organizational questions. The Preparatory Committee adopted 13 decisions (see A/CONF.189/PC.1/21).

I. Major issues discussed and decisions made

Date and venue of the Conference

11. The Preparatory Committee adopted, without a vote, the proposal to accept the invitation of the Government of South Africa to host the Conference and the proposal to hold the Conference from 31 August to 7 September 2001. The representative of South Africa stated that the exact location of the Conference in South Africa had not yet been determined and would be communicated at a later time.

12. The Preparatory Committee adopted the provisional rules of procedure without a vote. Among other decisions, it agreed that the Conference would elect 25 officers: five per regional group, and that the Conference would establish one Main Committee and one Drafting Committee, which may set up subcommittees or working groups.

13. In rule 65 of its provisional rules of procedure, the Preparatory Committee decided that for countries that do not have a national institution for the promotion and protection of human rights, representatives designated by ombudspersons or specialized independent national bodies for the promotion and protection of racial equality may participate as observers in the deliberations of the Conference. Special rapporteurs of the Commission on Human Rights, in particular those who have contributed to the preparatory process of the Conference, will also be invited to participate. A new rule allows any member of the Committee on the Elimination of Racial Discrimination to participate as an observer in the deliberations of the Conference.

Slogan and framework for the provisional agenda for the Conference

14. An in-session open-ended working group was established to consider a slogan and the framework for the provisional agenda for the Conference. The slogan of the Conference was adopted as follows: "United to combat racism: equality, justice, dignity".

15. Regarding the provisional agenda of the Conference, the Preparatory Committee decided to adopt the following themes to be included in the provisional agenda for the Conference:

(a) Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance;

(b) Victims of racism, racial discrimination, xenophobia and related intolerance;

(c) Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance, at the national, regional and international levels;

(d) Provision of effective remedies, recourses, redress [compensatory][1] and other measures at the national, regional and international levels;

(e) Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up.

Draft declaration and programme of action

16. The Preparatory Committee invited the United Nations High Commissioner for Human Rights to draw up a draft declaration and programme of action for the Conference, on the basis of the outcome of the regional preparatory meetings and the regional seminars as well as of suggestions from Member States, specialized agencies involved in the preparation of the regional meeting and seminars, the regional commissions and all United Nations programmes and bodies, representatives of United Nations human rights mechanisms and concerned non-governmental organizations.

Participation of non-governmental organizations

17. The Preparatory Committee decided that representatives of NGOs would also be invited to widely participate in the Conference on questions within the scope of their activities. It should be noted that the provisional rules of procedure, as adopted, permit NGOs to participate not only in the Main Committee and Drafting Committee but also in any other committee or working group established.

18. With regard to the accreditation of NGOs not in consultative status with the Economic and Social Council, the Preparatory Committee adopted a decision empowering the Bureau of the Preparatory Committee, in consultation with regional groups, to accredit representatives of such NGOs during the inter-sessional period, on the understanding that in cases where a Government raises questions regarding accreditation, the decision shall be taken by the Preparatory Committee.

19. The Preparatory Committee also considered a note by the Secretariat (A/CONF.189/PC.1/20) transmitting the request of 11 NGOs to receive accreditation to the Preparatory Committee and the Conference. This request was made pursuant to Economic and Social Council resolution 1996/31, which provides for NGOs not in consultative status with the Council to request special accreditation for world conferences and their preparatory processes. The Preparatory Committee adopted without a vote a decision allowing those 11 NGOs to be accredited.

Participation of indigenous representatives

20. The Preparatory Committee adopted a decision in which indigenous representatives who are accredited pursuant to Council resolution 1995/32 shall be accredited, on request, to the Conference. Other interested indigenous NGOs may also be accredited following the normal procedures set out in Council resolution 1996/31.

Establishment of an inter-sessional open-ended working group and extension of the second session of the Preparatory Committee

21. The Preparatory Committee recommended that the General Assembly establish an inter-sessional open-ended working group to meet in Geneva for five working days at the end of January 2001 in order to develop the draft agenda, the draft declaration and the draft programme of action of the Conference. The Preparatory Committee also recommended that the General Assembly authorize it to extend its second session for up to five additional working days.

Regional meetings

22. The representative of the Council of Europe reported that the Council is organizing a pan-European conference on the theme "All different all equal: from principle to practice". The meeting will take place from 11 to 13 October 2000 in Strasbourg, France. The European conference will result in general conclusions, to be forwarded to the second session of the Preparatory Committee.

23. The Islamic Republic of Iran and Senegal confirmed their willingness to host the Asian and African regional meetings, respectively. No dates were fixed for the meetings. Representatives of both States raised the issue of financial support.

Expert seminars

24. The High Commissioner reported to the first session of the Preparatory Committee that the following expert seminars have been planned: for Eastern Europe in Warsaw from 5 to 7 July 2000; for Asia in Thailand from 5 to 7 September 2000; or Latin America in Santiago from 25 to 27 October 2000; and for Africa in Addis Ababa from 27 to 29 September 2000. For Western Europe, an expert seminar took place in Geneva from 16 to 18 February 2000 (see paras. 33-37 below).

2. Reports, studies and other documentation presented to the Preparatory Committee

Report of the United Nations High Commissioner for Human Rights on the questionnaire circulated to review progress made in the fight against racism

25. Pursuant to Commission on Human Rights resolution 1999/78, paragraph 49 (a), the Office of the United Nations High Commissioner for Human Rights prepared a questionnaire for States, United Nations specialized agencies, intergovernmental and non-governmental organizations and national institutions to review their progress made in the fight against racism and to reappraise the obstacles to further progress and ways to overcome them. A report containing an analysis of the replies to the questionnaire (A/CONF.189/PC.1/3) was prepared.

26. As of the time of writing of that report, the Office has received replies from the following States: Austria, Belarus, Canada, Chile, Croatia, Cuba, Denmark, France, Guatemala, Iceland, Israel, Iraq, Latvia, Lebanon, Lithuania, Madagascar, New Zealand, Peru, Poland, Portugal, Russian Federation, Slovakia, South Africa, Spain, Switzerland, United Arab Emirates,

United Kingdom of Great Britain and Northern Ireland, United States of America; the following specialized agencies: World Health Organization, United Nations Environment Programme; the following international governmental organizations: International Seabed Authority, United Nations University; the following non-governmental organizations: Afro-Asian People's Solidarity Organization, Danish Centre for Human Rights, Fraternité Notre Dame, Human Rights Watch, International Federation of Women Lawyers, Kowani Kongres Wanita Indonesia, Médecins sans frontières, Seventh Day Adventist Church, Susila Dharma International, World Organization of Former Pupils of Catholic Education; and the following national institutions: Canadian Human Rights Commission, Commission on Human Rights of Mexico, Commission fédérale contre le racisme (Switzerland), Ombudsmannen Mot Etnisk Diskriminering (Sweden), Ombudsman's Office of Costa Rica.

27. In its conclusions, the report stated that most respondents noted that several laws had been enacted in their respective States to address the issue of racial discrimination in such areas as incitement to racial hatred, racial discrimination in employment and consumer practice, discrimination against women, racial equality before tribunals, equality in housing, and laws against racist or hate organizations. However, it was noted by respondents that there was little evidence that these laws were effective. There are also very few benchmarks to test success or progress.

28. The replies to the questionnaire revealed that there was little consensus or information on the factors that lead to racism. A few respondents pointed to economic factors, such as the concentration of wealth, globalization and historical colonial regimes in given countries, which have impeded the economic development of certain groups and perpetuated racist practices. Some respondents expressed the view that regional stability affected the internal racial and ethnic situation. Other factors indicated were political and psychological in nature.

29. It was stated that the United Nations High Commissioner for Human Rights and her Office had been instrumental in increasing the effectiveness of activities and programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance by assuming a clear leadership role. Respondents recommended that the Office focus, *inter alia*, on: technical assistance in such areas as training of the judiciary and law enforcement officials; reporting under the International Convention on the Elimination of All Forms of Racial Discrimination; advising on national institutions and education initiatives; increasing support to treaty bodies, including the Committee on the Elimination of Racial Discrimination; and researching other ways and means to achieve further progress.

30. In the light of the fact that a significant number of States have not yet responded, the High Commissioner has decided to redistribute the questionnaire; replies will be analysed and compiled for submission to the second session of the Preparatory Committee, which is tentatively scheduled to take place in May-June 2001.

Study on effects of racial discrimination on children of minorities and migrant workers

31. A report by the Secretary-General entitled "Study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment" (A/CONF.189/PC.1/11) noted that research in the area of racial discrimination against migrants or minority children in the fields of education, training and employment is sparse. Statistics and studies that target the children of minorities or migrants are rare, and studies that focus on children tend to rarely disaggregate according to racial, ethnic, minority or migrant status. Therefore, the report gives a list of acts constituting racial discrimination against children but does not claim to be comprehensive at this stage in the research. The report also discusses the effects of racism and discrimination against children of minorities and migrant workers. It recommends the systematic collection, exchange and analysis of data at the national, regional and international levels on these issues, with a focus on developing programmes, policies and strategies to combat racial discrimination against migrant and minority children in these areas.

Report on consultation on the use of the Internet

32. A report on a consultation on the use of the Internet for the purpose of incitement to racial hatred, racial propaganda and xenophobia (A/CONF.189/PC.1/5) was submitted by the Secretariat. To date, 15 replies had been received by the Office of the High Commissioner to its communication of 20 May 1999 to Member States,

United Nations bodies, specialized agencies, intergovernmental organizations and non-governmental organizations, requesting information on the use of the Internet to incite racism, xenophobia and intolerance. The report includes a summary of these replies. Replies from respondents recognized that the Internet can be a source of harm by being used to incite hatred, yet can also be a tool in the struggle against racism and intolerance. The importance of an education component in any programme to combat racism and intolerance on the Internet was also recognized.

Report on the expert seminar on racism, refugees and multi-ethnic States

33. The Office of the United Nations High Commissioner for Human Rights organized an expert seminar at the United Nations Office at Geneva from 6 to 8 December 1999 to examine racism and ethnic conflicts as among the root causes of refugee flows; to find ways and means to stop the expansion of racism and ethnic conflicts in order to prevent refugee flows; to examine how better protection of vulnerable groups within the States concerned might be ensured; and to protect the rights of refugees within host States (see A/CONF.189/PC.1/9).

34. The seminar observed that legal provisions alone are insufficient solutions to racial and ethnic discrimination. Combating racial and ethnic discrimination entails the redistribution of social, economic and cultural power by promoting social justice and fairness, ensuring equal opportunities and participation for all.

35. In its final observations and suggestions, the seminar recommended that at the national level, States acknowledge and implement in their legislation and culture the reality of the multiracial, multi-ethnic and multicultural composition of their States. With regard to asylum seekers, it was recommended that Governments comply with their obligations under international law and grant asylum according to the 1951 Convention relating to the Status of Refugees.

36. The seminar also pointed out that within action at the international level, a harmonization of work was necessary between the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees (UNHCR), and indeed throughout the United Nations system, to ensure adequate protection of refugees and internally displaced persons from social and other forms of discrimination.

37. The seminar maintained that the Security Council should be involved more actively in preventive diplomacy in order to pre-empt ethnic conflicts from erupting into hostilities. It also suggested that the Security Council draw on the expertise of those human rights bodies which make use of early-warning and urgent procedures, particularly treaty bodies, such as the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.

Report on the expert seminar on remedies available to victims of racial discrimination, xenophobia and related intolerance and on good national practices in this field

38. An expert seminar was organized by the Office of the United Nations High Commissioner for Human Rights, and held at the United Nations Office in Geneva from 16 to 18 February 2000. Major topics discussed were: racial discrimination in economic, social and cultural life; racial discrimination against vulnerable groups; recourse procedures of non-nationals, migrants, asylum-seekers, refugees, minorities and indigenous peoples; remedies available to victims of racial discrimination; activities of national institutions; and examples of good practices and reinforcement of regional and international mechanisms (see A/CONF.189/PC.1/8).

39. The seminar noted that international human rights instruments contain extensive requirements for making effective remedies available. The seminar recommended that at the national level States become parties to all these international instruments that promote and protect racial equality and implement them in good faith.

40. The seminar also pointed out that remedies available to victims of racial discrimination in economic, social and cultural life should include recourse to national institutions which can play an important role in disseminating information about protection against discrimination and in advising victims of remedies available; recourse to law enforcement officials who are responsible for protecting victims and carrying out measures to curb discrimination; recourse to prompt and effective action by the judicial system; educational activities through which racial prejudice or practices may be curbed; and

the activities of the media, which should promote tolerance, understanding and racial equality.

41. The seminar participants were of the view that in order to enhance the effectiveness of recourse procedures, they should be easily accessible, relatively uncomplicated and expeditious. Legal aid and other forms of assistance should be provided. Victims of racial discrimination should be entitled to reparation in different forms, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Monetary and non-monetary forms of reparation were judged equally important. Non-monetary forms of reparation could include such things as verification and acknowledgement of the facts; public disclosure and acceptance of responsibility; official declarations or judicial decisions that restore dignity and rebuild the reputations of victims; and the commemoration of the worth of the victims.

Consultation on the Conference held in Bellagio, Italy

42. A consultation on the Conference was held in Bellagio, Italy, from 24 to 28 January 2000 (see A/CONF.189/PC.1/10). It was convened by Gay McDougall, member of the Committee on the Elimination of Racial Discrimination and Executive Director of the International Human Rights Law Group, with the support of the Rockefeller Foundation and the participation of the Office of the United Nations High Commissioner for Human Rights. The purpose of the consultation was to bring together diverse groups of experts from around the world to formulate recommendations on the forthcoming Conference. The above-mentioned report provides a synthesis of the discussions that took place during the consultation. It sets out the recommendations that were developed by the participants relating to the core themes and possible outcomes of the Conference.

Note by the secretariat on ways of improving coordination between the Office of the United Nations High Commissioner for Human Rights and specialized agencies

43. A note by the secretariat on ways of improving coordination between the Office of the High Commissioner, specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenophobia and related intolerance (A/CONF.189/PC.1/4) was prepared based on information received by specialized agencies and international, regional and subregional organizations, and on memoranda of understanding signed between the Office and other agencies which define bilateral action to be taken to combat racism.

44. In its conclusions, the note recommended that a systematic flow of information be ensured between the Office and United Nations bodies, specialized agencies and other international, regional and subregional organizations on the situation of racism and racial discrimination.

Contribution of the Subcommission on the Promotion and Protection of Human Rights

45. Paulo Pinheiro, member of the Subcommission on the Promotion and Protection of Human Rights, introduced a document submitted by the Subcommission to the Preparatory Committee (A/CONF.189/PC.1/13) and a working paper he had prepared (A/CONF.189/PC.1/13/Add.1) on proposals for the work of the Conference. The second document noted that the Subcommission considers the Conference to be an important and unique opportunity to formulate a worldwide strategy to combat racism in the twenty-first century. The report recalled that the experts of the Subcommission have contributed to the struggle against racism through the elaboration of studies which have proposed recommendations and measures to be taken. The Subcommission has been responsible for introducing themes reflecting new challenges and forms of racism, particularly in relation to economic factors affecting racial discrimination. Globalization has been highlighted in regard to its effect on incidents of racism and discrimination. The Subcommission believes that the Conference should address the denial of racism and the need for thorough analysis of contemporary forms of racism, such as discrimination in multiracial societies and ethnic divisions in areas which have suffered armed conflicts.

Contribution by the Committee on the Elimination of Racial Discrimination

46. Mr. Sherifis, Chairman of the Committee on the Elimination of Racial Discrimination, introduced the Committee's contribution (A/CONF.189/PC.1/12). The report recalled that at its fifty-third session, held from 3 to 21 August 1998, the Committee discussed a wide variety of ideas about matters which might feature in

the agenda and in the concluding declaration and programme of action of the Conference and adopted decision 9(53) (see A/53/18, chap. VIII). The report also mentioned that at its fifty-fifth session, held from 2 to 27 August 1999, the Committee continued to discuss its contribution to the preparatory process of the Conference and adopted decision 5(55), entitled "World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" (see A/54/18, chap. VIII). In this decision, the Committee proposed to the Preparatory Committee that it include in the agenda of the Conference consideration of the problem of how the international community may prevent or mitigate mass and flagrant violations of the human rights of persons belonging to ethnic and racial groups. In paragraph 6 of the same decision, the Committee also suggested that an eventual plan of action for the Conference could deal with such issues as:

(a) Processes of racial reconciliation;

(b) Racial discrimination against indigenous populations;

(c) All human beings are born free and equal in dignity and rights;

(d) Racism, racial discrimination, xenophobia and related intolerance, challenge to peace, human rights, including the right to life, human dignity, stability and the rule of law;

(e) Incitement to racial hatred as a punishable offence;

(f) Effective measures to protect all persons against racial discrimination in both public and private sectors, and remedies and reparations for victims;

(g) Educational measures for all segments of the population in the spirit of the elimination of all forms of racial discrimination and intolerance;

(h) National commissions on human rights in the light of the Committee's general recommendation XVII.

Contribution of the Committee on Economic, Social and Cultural Rights

47. Virginia Dandan, Chairperson of the Committee on Economic, Social and Cultural Rights, introduced the contribution of the Committee on Economic, Social and Cultural Rights to the preparatory process for the Conference (A/CONF.189/PC.1/14). The document focuses on the right to education as set out in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, the focus of the work of the Committee over the last 18 months. The Committee was of the view that one important strategy for the elimination of racism is a renewed commitment to the right to education. The submission highlights general comment No. 13, adopted in December 1999, on article 13 of the Covenant (E/C.12/1999/10), and general comment No. 11, adopted in May 1999, on article 14 of the Covenant (E/C.12/1999/4).

Contribution of the Committee on the Rights of the Child

48. A contribution by the Committee on the Rights of the Child to the preparatory process for the Conference (A/CONF.189/PC.1/15) was prepared. The Committee on the Rights of the Child intends to draft a general comment on article 29 of the Convention of the Rights of the Child (aims of education) so that it can be submitted to the second session of the Preparatory Committee.

49. The Committee also indicated that it will appoint one or two of its members to represent the Committee at the meeting of the Preparatory Committee and at the Conference itself, and will continue to consider other contributions that could be made to the preparatory process for the Conference.

Contribution by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

50. In a note by the secretariat (A/CONF.189/PC.1/6), Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, noted that owing to circumstances beyond his control he had been unable to submit the requested study on preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts.

51. In an oral statement, the Special Rapporteur pointed to several current world problems relating to racism, racial discrimination, xenophobia and related intolerance, in particular the political activities of extreme right-wing parties; racist violence against

migrant workers; the dangers of xenophobic or racist groups gaining political power in certain countries; and discrimination against Roma and the expansion of racist hate speeches through the Internet. He recommended the adoption of international measures to counter hate speeches on the Internet.

52. The Special Rapporteur recommended that an international consultation be put in place to discuss these issues. He noted that legal and penal measures exist against racism and intolerance, but suggested that greater economic and social measures need to be implemented as well to help victims of racism and racial discrimination. Consequently, he proposed that each concerned country adopt a national plan to integrate minorities, migrant workers and indigenous populations into their societies. Each country should present those plans to the Conference, which would need to take full account of economic and social measures, as well as legal measures to combat racism, racial discrimination and related intolerance. He maintained that economic and social measures against racism should be an integral part of the discussions at the Conference.

Contribution by the Special Rapporteur on religious intolerance

53. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on religious intolerance, introduced his report concerning racial discrimination and religious intolerance (A/CONF.189/PC.1/7). The report reviews the international mechanisms for the protection of victims of religious intolerance, and makes three main recommendations: first, that international mechanisms should be strengthened, at both the international and national levels, and there is also a need for improving legal and particularly penal protection; second, independent national institutions should be created to deal with cases of religious and racial intolerance, and which produce publicity, information and proposals for Governments, as well as legal advice and support for individual victims of discrimination, and should also have a conciliatory mission; third, various preventative measures are suggested in regard to education, information, communication, dialogue within and between different religious groups, and democracy and development.

Contribution by the Special Rapporteur on the human rights of migrants

54. Gabriela Rodriguez Pizarro, Special Rapporteur of the Commission on Human Rights on human rights of migrants, submitted to the Preparatory Committee a report entitled "Discrimination against migrants: migrant women in search of remedies" (A/CONF.189/PC.1/19). The report gives some suggestions on how to prevent discrimination and violence against women migrants by improving the channels through which such practices can be corrected. The report notes that one important means of achieving this is to allow migrants the opportunity to communicate what they experience before, during and after their transfer, while another is empowering them to make their views known in the forums where decisions are made, specifically with respect to migration policies (see Commission resolution 1999/44, para. 6).

C. Information received from specialized agencies and United Nations bodies

1. International Labour Organization

55. The ILO reported that it has various tools in the fight against racism: recognition of the right to non-discrimination in many ILO standards; supervision of the implementation of the obligations undertaken in these standards; and technical advice and assistance in the implementation of standards. The ILO conducts training activities as well as providing direct technical assistance to member States. In recent years, these activities have covered, *inter alia*, assistance for the adoption of legislation on racial and other discrimination, the creation and operation of national mechanisms designed to overcome discrimination, affirmative action programmes.

56. The main relevant ILO Conventions are the Discrimination (Employment and Occupation) Convention of 1958 (No. 111); the Migration for Employment Convention (Revised) of 1949 (No. 97); and the Indigenous and Tribal Peoples' Convention of 1989 (No. 169).

57. In addition, the ILO has recently been using a new tool in the fight against racial discrimination – the Declaration of Fundamental Rights and Principles at Work, adopted in 1998, which is concerned among other things with the elimination of discrimination in

regard to employment and occupation (see in particular para. 2 of the Declaration).

58. In Geneva, from 8 to 11 March 2000, the ILO hosted a high-level meeting on achieving equality in employment for migrant workers, which addressed the important problem of combating the discrimination in employment faced by migrant and ethnic minority workers. Thirty-three government, employer and worker delegates from 14 Western European and North American countries examined new approaches to combating racial discrimination and xenophobia. More than 40 observers from the United Nations, regional intergovernmental organizations, national anti-discrimination monitoring bodies, non-governmental organizations, migrant groups and researchers also participated in the debate. This was the concluding stage of the seven-year ILO research project "Combating discrimination against migrant and ethnic minority workers in the world of work". Participants came from countries in which research or related activities had been carried out – Belgium, Canada, Denmark, Finland, France, Germany, Italy, the Netherlands, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States.

59. In its conclusions, the meeting emphasized the importance of the ILO in continuing to serve as the catalyst in promoting and stimulating action, and disseminating information on best practices to promote equality. The research and publications stemming from the ILO's research on combating discrimination in employment had been found to be very useful in increasing awareness and in identifying possible measures to address the problem. The draft manual on achieving equality had already been used in policy formulation in at least one country, and should be distributed by the ILO as soon as possible. It was suggested that the ILO explore developing international standards or guidelines in two areas: anti-discrimination measures and international recognition of professional and technical qualifications. It was suggested that the ILO involve NGOs and migrant organizations in relevant activities and dialogue. It was also suggested that the ILO invite the involvement of countries of origin as well as other countries concerned with migration and discrimination in future activities on anti-discrimination efforts.

2. Office of the United Nations High Commissioner for Refugees

60. UNHCR reported that its protection strategy encompasses a comprehensive policy that deals with the whole cycle of forced displacement. First, it seeks with others to prevent the deterioration of conditions to the point where people are forced to flee. Second, it tries to meet their protection and assistance needs during their flight and in countries of asylum. Third, it tries to promote and contribute to the safety and welfare of refugees in the early stages of repatriation to their countries of origin. UNHCR has seen that racism and related intolerance are serious obstacles at all stages of the displacement cycle.

61. In 1985, the Executive Committee concluded that the monitoring of amnesties, guarantees and assurances should be an inherent part of the mandate of UNHCR. Since the early 1990s, UNHCR's protection role has expanded to include monitoring key human rights of refugees – at a minimum the right to life, liberty and physical integrity. Increasingly, a broader set of rights are monitored – access to due process, property restitution or compensation, education, the right to work and the right to freedom of movement.

62. By September 1999, UNHCR had assisted some 513,000 refugees in returning home in 1999. Prior to the 1990s, repatriation operations usually took place after peace and stability had been restored to a country. However, repatriation has recently been increasingly taking place in much less than ideal circumstances, sometimes during continued conflict and insecurity. This form of repatriation poses great risks to the refugees; however, it is important to note that many choose to return despite the dangers, and they often play an important role themselves in peace-building and peacemaking in their countries of origin.

63. Central to the role of human rights monitoring has always been the principle of non-discrimination between returnees and local populations. For repatriation to be sustainable and for the root causes of refugee flow to be curbed, strong action at the national level must be taken to deal with discrimination against minority groups on their return. This has also meant that in recent return operations in Rwanda, Kosovo and former Yugoslavia, UNHCR has supplemented monitoring with protection activities, such as inter-ethnic reintegration and promotion of freedom of movement.

64. The Public Affairs Unit of UNHCR coordinates projects directed at the general public, aimed at raising awareness of refugee issues and building public support for the protection of refugees' rights. UNHCR's information campaign regarding combating racism aims principally to foster healthy social attitudes in order to expand communication and education about the existence and extent of racist and xenophobic prejudices and their consequences. In this regard, the World Conference against Racism constitutes an excellent tool to raise awareness in order to protect refugees. Various projects are planned by the Public Affairs Unit for 2000. For example, a public service advertising campaign is to be launched, promoting refugee integration, comprised of print advertisements, a television spot and an educational kit for use in schools. Also, in 2000 a 34-page brochure will be produced about refugee children, designed for readers 8 to 12 years old. For UNHCR's fiftieth anniversary, a mobile photo exhibit is being produced, highlighting the major operations of the last five decades. A new series of children's books about child refugees in Africa, an instructional kit for how to organize a national refugee day or week, a special project in each country of the European Union to promote refugee integration and a new international advertising campaign promoting respect for refugees will all be launched in 2000.

3. United Nations Conference on Trade and Development

65. The United Nations Conference on Trade and Development reported in its reply that while its activities are not directly related to the fight against racism, during the recent tenth session of UNCTAD, which took place in Bangkok in February 2000, member States adopted a plan of action (TD/386) which in its paragraph 7 states that democracy, rule of law, transparent and accountable governance and administration, including combating and eliminating corruption, are indispensable foundations for the realization of people-centred sustainable development. Human rights and fundamental freedoms, with the right to development as an integral part, must be promoted and protected. Macroeconomic stability has proved to be an important element for economic growth and the alleviation of poverty.

4. Department of Public Information of the United Nations Secretariat

66. The elimination of racism and racial discrimination has been a core human rights concern of the United Nations since its establishment in 1945, and as such the Department of Public Information has played an important role in shaping world awareness about these issues. The Department reported that most of its recent activities in the area of racism have focused on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The elimination of racism and racial discrimination remains an underlying theme of the work of the Department through information products, such as radio and video programmes, educational tools, such as the Cyber School Bus, publications, such as United Nations *Chronicle*, programmes for the media, NGOs, schools and the general public, and in outreach and educational activities undertaken by United Nations information centres and services in 77 countries.

Preparations for the World Conference against Racism

67. The Department has formulated a worldwide multimedia public information programme to increase awareness of the Conference. The aim is to raise public awareness about the Conference and the work of the United Nations to eliminate racism and related intolerance, and to help mobilize political support and encourage the highest level of participation at the Conference. The information campaign will target a global audience, in particular the media, non-governmental organizations and individuals involved in the struggle against racism and related issues, and opinion makers such as editorial writers.

68. The Department has prepared a brochure and two background articles on the Conference, in English, French and Spanish, which will soon be available in Arabic, Chinese and Russian on the Internet. A six-language poster and kit cover will be produced. Two banner designs for the launch of the Conference, held on Human Rights Day 1999, were developed. A second set of banners was designed in Spanish for a concert tour in the Caribbean and Latin America to promote the Conference, by Ruben Blades, a Goodwill Ambassador for the World Conference.

69. The following seven internationally renowned figures from the worlds of literature, music and human rights advocacy were appointed by the United Nations High Commissioner for Human Rights to serve as goodwill ambassadors for the Conference: Nobel Prize laureates for literature Wole Soyinka of Nigeria and Seamus Heaney of Ireland; Panamanian actor and musician Ruben Blades; Moroccan writer Tahar Ben Jelloun; Indian sitarist Ravi Shankar; former Icelandic President Vigdis Finnbogadottir and children's rights defender Marian Wright Edelman of the United States. The goodwill ambassadors will work in coordination with the Office of the High Commissioner and the Department of Public Information in order to promote awareness of the Conference

70. DPI's News Service has covered the preparatory activities for the Conference on the United Nations Internet home page. A web site for the Conference itself is being developed by the Office in collaboration with the Department, with links to this from the home pages of the Office and the main United Nations site, and audio-visual material from the Conference will be available on the Internet. The News and Editorial Section highlighted United Nations activities in its reference paper/press release entitled "United Nations conferences and observances", issued in February 2000. The paper is available in English and French in print and on the United Nations Internet site.

Human Rights Day (10 December 1999)

71. At Human Rights Day 1999, held in Geneva, the global information campaign for the Conference was launched by the United Nations High Commissioner for Human Rights, the Secretary-General of the Conference. The Department brought to Geneva 12 editors and commentators from print and broadcast media covering developing countries. They engaged in discussions with the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Director-General of the World Health Organization and others, on racism and other human rights issues. The Department held press conferences in Geneva and New York, and media interviews with two of the goodwill ambassadors. In New York, the Department also briefed representatives of NGOs affiliated with the Department about the Conference.

International Day for the Elimination of Racial Discrimination (21 March 2000)

72. The United Nations information centres and services utilized the International Day for the Elimination of Racial Discrimination to undertake activities at the national level to promote the Conference, and will do so again in 2001. The message of the Secretary-General and of the United Nations High Commissioner for Human Rights, as well as an editorial by the High Commissioner, were distributed to the United Nations information centres and services for placement in national and international media for the International Day. Focus was also placed on the International Convention on the Elimination of All Forms of Racial Discrimination.

Cyber School Bus

73. The Cyber School Bus is an interactive web site for use by students and teachers, and has been involved in a number of projects related to racial discrimination, human rights and peace. The project materials area of the web site lists these resources.

United Nations information centres and services activities

74. The Department's information offices in 77 countries are active in promoting awareness about the United Nations and its work to combat racism and racial discrimination. Examples of their activities in regard to racism include the following. The Tunisia information centre has posted a web page focusing on the promotion of the International Day for the Elimination of Racial Discrimination. The Paris information centre assisted a French NGO in organizing a train trip for 250 schoolchildren through Eastern Europe to sensitize and educate them on racism and anti-Semitism. When the Special Rapporteur on racial discrimination visited the Czech Republic, the Director of the information centre briefed him and his team on topical human rights issues in the region. The Sydney information centre arranged for a radio interview of its Director on the complaint by the Australian Aboriginal community to the Committee on the Elimination of Racial Discrimination.

5. United Nations Development Programme

75. UNDP reported that in 1998 the organization adopted a policy of integrating human rights with

promoting sustainable human development. It signed a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights, spelling out the work to be carried out in partnership to promote and protect human rights in the human development context. UNDP defines poverty as "human poverty", deprivation in the most basic choices people have — such as to live a long and healthy life, to be educated, to have the means to a decent standard of living and to be able to be a part of the life of a community.

76. Since adopting its policy of integrating human rights into its work, UNDP has placed a growing emphasis on the promotion and protection of human rights as essential for achieving sustainable human development. A survey of UNDP activities was carried out in 1999, confirming that many activities and programmes supported by the organization contribute to the realization of human rights. A number of these activities involve efforts to support indigenous groups, minority groups and migrant workers, many of whom have suffered from distinctions, exclusions, restrictions and preferences based on race. For example, in Bolivia UNDP and the Office have been supporting the formulation and implementation of a national human rights programme since 1994. Indigenous people make up 55 per cent of the Bolivian population. In Brazil, the Citizen and Human Rights Project involves supporting the Brazilian Government's national human rights programme, which includes such activities as the compilation of a database on public security programmes and the drafting of proposals for legislation on anti-discrimination and equality

Indigenous peoples programmes

77. With indigenous peoples, UNDP is involved in programmes that recognize traditional knowledge and protect the intellectual property rights of indigenous peoples, which evolved into indigenous knowledge programmes.

78. In Borneo, Malaysia, the indigenous knowledge project involves the adaptation and continuation of traditional agricultural systems based in indigenous knowledge, and innovations to serve the needs of today's community. In Ecuador, the Yatan Yacu Sacha project aims to recover indigenous knowledge for the conservation of ecosystems and biodiversity of the Amazonian forest of Yana Yacu Sacha. In the Philippines, the project is involved with the empowerment of indigenous people for the sustainable management of ancestral domains. In Brazil, UNDP assists the Government in promoting sustainable management for the indigenous communities in the Amazon region, through the legal protection of their land and natural resources and the preservation of their cultural heritage.

79. UNDP also supports various projects through small grants programmes. In Chile, UNDP organized and trained 23 indigenous Huilliche communities in reforestation techniques and management and in preserving forest biodiversity. The communities have also been granted more direct control over the natural resources where they live. In the Philippines, a programme provides direct small grants to indigenous people's organizations for their projects, such as projects promoting land reform and land rights. In Latin America, projects created under the small grants programme address the needs of indigenous communities not only in project implementation but also by involving them in decision-making.

Migrant workers programmes

80. UNDP supports several projects that assist migrant workers. In the Philippines two programmes have been carried out. The support programme to address violence and human rights violations against migrant Filipino workers is designed to assist migrant workers from the Philippines, particularly domestic workers working in other parts of Asia. Previously, the reintegration of Filipino migrants in Hong Kong through entrepreneur development was designed to increase economic opportunities for domestic workers (almost all of whom are women and girls) who are obliged to travel elsewhere in Asia to work.

Minorities programmes

81. UNDP also supports programmes that target ethnic minorities. In Belarus, a joint UNDP-Office of the High Commissioner project, the Promotion of the Rule of Law and the Protection of Human Rights in the Republic of Belarus, provides technical support, policy advice and training. One of its principal aims is the protection of the human rights of minorities. In the southern Lao People's Democratic Republic, UNDP has been involved in developing school books in ethnic minority languages. In Latvia, UNDP supports the national programme for Latvian language training,

promoting social integration of Latvia's linguistically diverse ethnic groups.

6. United Nations Educational, Scientific and Cultural Organization

82. UNESCO reported that since the abolition of apartheid it has assisted in building a non-racist and democratic society in South Africa through promoting education on human rights, democracy, peace and tolerance. Accordingly, at the University of Fort Hare the UNESCO Oliver Tambo Chair in Human Rights was established which has become part of the network of UNESCO chairs in human rights, democracy, peace and tolerance, currently comprising 45 chairs all over the world. This network aims to establish and strengthen academic cooperation in the fields of human rights, democracy, peace and tolerance, the struggle against discrimination being an inherent part of the work of the chairs.

83. UNESCO contributes extensively to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004). Four regional conferences were organized by UNESCO, embracing the regions of Europe (Finland 1997), Africa (Senegal 1998), Asia and the Pacific (India 1999) and the Arab States (Morocco 1999). The Latin America and Caribbean conference will be held in 2000 in the Dominican Republic.

84. From the early years of UNESCO's existence, it has prepared a number of teaching aids that deal directly or indirectly with racial discrimination. In 1996, UNESCO issued a publication entirely devoted to the struggle against discrimination, which has been widely disseminated. Other UNESCO publications dealing with human rights in general devote special sections to the struggle against discrimination. The publication *Human Rights: Questions and Answers*, which has been translated into more than 30 languages, should be mentioned. The three-volume manual on human rights education for universities contains several articles devoted to the struggle against racial discrimination and intolerance.[2] Another important publication is *Human Rights: Major International Instruments*; published annually, it compiles data on the status of ratification of international instruments concerning prevention of discrimination. The next edition will be dedicated to the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the World Conference against Racism.

85. An intersectoral working group was set up in February 2000 with the purpose of elaborating practical measures to ensure a visible and significant UNESCO contribution to the Year and the Conference and to mobilize UNESCO partners, especially national commissions, UNESCO chairs, UNESCO clubs and associated schools, as well as public opinion in general.

86. The major fields in which UNESCO will contribute to the Year and the Conference are:

(a) Human rights education, research and sensitization of public opinion as a means to prevent and eradicate racial discrimination and racist prejudices and stereotypes;

(b) The struggle against racist propaganda on the Internet.

87. Activities proposed for the International Year include a philosophy forum on racism, xenophobia and exclusion; an international conference on means to counteract xenophobia and intolerance in countries with multi-ethnic populations; a film festival against exclusion and promoting tolerance; the elaboration of anti-racist pedagogical materials and a review of educational materials in order to eliminate elements inciting racism and intolerance. Furthermore, the subject of the struggle against racial discrimination and xenophobia will be included in the agenda of several meetings, such as the second meeting of chairs in human rights, democracy, peace and tolerance, which will be held in May 2000 in Stadschlaining, Austria, and the annual meeting of directors of human rights institutes, to be organized by the end of 2000. Moreover, the fifth edition of the *World Directory of Human Rights Research and Training Institutions* will be dedicated to the Year and the Conference. Research results pertaining to the historical roots of anti-black racism, to ways and means to counter hate propaganda and racism on the Internet and to the management of multicultural and multi-ethnic societies (part of the ongoing management of the social transformations MOST programme) will be submitted to the Conference and widely distributed. The issuing of posters, calendars and other materials is also being considered.

7. United Nations Office for Drug Control and Crime Prevention

88. The Centre for International Crime Prevention reported that it combats crime in all its forms, including xenophobic and racially motivated violence. It promotes action that will prevent, deter and punish discriminatory and other acts of criminal violence and exploitation of individuals, and ensure access, protection and fair treatment of victims in regard to the administration of justice.

89. Through technical assistance and research, in particular its global programme against trafficking in human beings and global programme against transnational organized crime, the Centre takes full account of criminal violence and exploitation perpetrated against particularly vulnerable individuals, such as those subjected to racism or related intolerance.

90. Pursuant to General Assembly resolutions 53/111 and 53/114, an ad hoc committee is elaborating a United Nations convention against transnational organized crime and three additional protocols, two of which are relevant in this context and will continue to be negotiated in 2000: a revised draft protocol against the smuggling of migrants by land, air and sea (see A/AC.254/Add.1/Rev.4); and a revised draft protocol to prevent, suppress and punish trafficking in persons, especially women and children (see A/AC.254/Add.1/Rev.5). Negotiations on these instruments will contribute to placing racism and related discrimination in perspective, as out of place in a new world order. They will also contribute to global action on the deterrence and punishment of specific forms of race-directed organized crime.

91. The Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, adopted by the General Assembly in its resolution 52/86, prohibit all forms of violence against women and girls, including that which is racially motivated, targeted or directed. The Strategies criminalize such acts for the first time, and aim to put into place relevant preventive, deterrent and punitive measures in that regard.

92. The recent Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Vienna, 10-17 April 2000) and the preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, transmitted to the Congress by Council decision 1999/261, took up the issue of racism. States adopting the Declaration noted the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crimes associated with racism, racial discrimination, xenophobia and related intolerance (article 18). Further, States affirmed their determination to combat violence stemming from intolerance on the basis of ethnicity, and agreed to contribute to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (article 19). The Declaration of the Tenth Congress calls for States to make a commitment to promote United Nations standards and norms in the field of crime prevention and criminal justice, many of which prohibit racism, racial discrimination or xenophobic practices. The Declaration calls for use and application of those standards and norms in national law and practice, reviewing relevant law and procedures and strengthening relevant institutions.

93. The Secretary-General, under the auspices of the Centre, recently dispatched to member States the sixth quinquennial survey on capital punishment and implementation of the safeguards guaranteeing the rights of those facing the death penalty, 1994-1998, the results of which will be the basis of his report to the Commission on Human Rights, the Commission on Crime Prevention and Criminal Justice and the Council at their respective sessions in 2000. The "race factor" has been included among other variables (age, gender and religion) in the survey instrument and in the report, in regard to those sentenced to death and executed for capital offences during the review period, for the first time in the history of these surveys since 1975.

8. United Nations Population Fund

94. The Programme of Action of the International Conference on Population and Development, approved by the consensus of 179 countries in September 1994, includes a goal of the empowerment and autonomy of women and the enhancement of their political, social, economic and health status. It calls for the elimination of all practices that discriminate against women, and affirms that advancing gender equality and equity, the empowerment of women, the elimination of all forms of violence against women, and ensuring women's ability to control their own fertility are cornerstones of population and development-related programmes. The Programme of Action calls on Governments to address, in consultation with indigenous peoples and relevant

NGOs and intergovernmental organizations, the specific needs of indigenous populations in all aspects of population and development, especially in regard to reproductive health care. The key actions for the further implementation of the Programme of Action of the International Conference on Population and Development (ICPD), the outcome of the five-year review of ICPD, reaffirms that Governments should promote and respect the rights of indigenous peoples, including the right to access to reproductive health-care services. However, those consensus documents that arose from the conferences held in Cairo and Beijing are not legally binding.

95. The standard of health care available to indigenous women, including reproductive care and information, is often inferior to that of the general population. Moreover, poverty not only limits access to health care but also compounds the vulnerability of indigenous women to violations of their rights to reproductive and sexual health. For example, in Guatemala maternal mortality for indigenous women is 83 per cent higher than the national level. Adequate health care is often hindered due to a lack of culture- and language-specific information, so that for example, inadequate translation services could deprive indigenous women of valuable information regarding their reproductive health. Coercion in treatment is also a particular concern among poor and indigenous women.

96. UNFPA supports programmes in under-served areas (rural and urban) in such countries as Viet Nam, India, Uganda and Mexico. UNFPA has helped implement national and regional activities targeting indigenous people in Panama, Ecuador, Bolivia and Peru. These programmes focus on improving access of indigenous people to quality reproductive health care services, and include training and counselling components for health workers, as well as the provision of reproductive health equipment and contraceptives.

97. UNFPA has appointed a focal point for indigenous peoples. In the field, UNFPA regional country support teams include sociocultural advisers who ensure that programmes are developed and implemented taking into account the perspectives of indigenous peoples and other minorities. Several UNFPA country offices also have focal points for indigenous peoples. UNFPA programme and project development is a consultative process that involves national counterparts, associations and individuals, including representatives of indigenous peoples, whenever possible.

9. United Nations Volunteers

98. UNV is involved in various programmes around the world which support ethnic minorities and indigenous peoples, both in development-related areas and conflict resolution. UNV reported that it deliberately mixes nationalities in its volunteer programmes, mixes international with national volunteers and has recently tried to include indigenous volunteers. This creates increased cultural sensitivity, breaks down racial/ethnic stereotypes and increases local involvement in volunteer programmes. In 1999, there were 4,513 United Nations volunteers in service worldwide from Africa (25 per cent), Asia (25 per cent), Europe and North America (18 per cent), Latin America (10 per cent) and the Arab region (22 per cent). About two thirds of the serving United Nations volunteers were from developing countries.

Supporting ethnic minorities

99. The highland people's programme supports self-determination and the right to development of over 100 ethnic minority groups in the highlands of Cambodia, the Lao People's Democratic Republic, Thailand and Viet Nam. In Peru, human rights specialists provide support to the Peruvian Ombudsman service in its outreach activities with disadvantaged groups in small communities. In Ecuador, national and international UNVs work with a local NGO to empower indigenous communities in the San Pablo Lake Basin area to develop sustainably.

Ethnic minority support within peace-building and conflict resolution

100. Since 1994, UNVs have been verifying and monitoring the implementation of peace accords and sub-accords relating to the rights of indigenous peoples in Minugua. Since 1997, UNVs have given technical assistance to 21 local governmental and non-governmental institutions to implement the peace accord in Guatemala, emphasizing indigenous peoples' rights (with UNDP and the Swedish Government). In Georgia and Bosnia and Herzegovina, UNV peace-building/confidence-building projects promote reconciliation and cooperation between ethnic groups and factions in war-affected communities. UNVs support the United Nations Interim Administration

Mission in Kosovo to promote a non-discriminatory and multi-ethnic, human rights-based legal and administrative system. UNVs assisted the Government, the Moro National Liberation Front and civil society actors in post-conflict confidence-building measures in the Mindanao and Palawan areas of the Philippines. In Burundi, UNV, with UNESCO, is working on a culture for peace project to develop non-combative conflict resolution techniques. In Rwanda, in a community-based programme, UNVs work with Hutu and Tutsi to jointly identify and implement projects needed by the whole community.

10. World Health Organization

101. WHO is currently involved in developing a strategy on health and human rights to serve as an institutional platform for its health and human rights work. The fundamental principle of equality has been identified as a key component in all matters concerning health. This includes non-discrimination in access to health facilities, goods and services, paying particular attention to the most vulnerable or marginalized sections of the population. It also means that health facilities, goods and services must be within safe physical reach for all parts of the population and be culturally appropriate, i.e., respectful of the culture of individuals, minorities and indigenous populations and sensitive to gender and life-cycle requirements.

102. With regard to the health of indigenous populations, WHO organized an international consultation on the health of indigenous peoples in Geneva, from 23 to 26 November 1999. It was opened by Gro Harlem Brundtland, WHO Director-General; 149 observers and participants, with balanced representation of indigenous peoples' health experts, attended the consultation from five continents along with representatives of United Nations agencies and Governments.

103. The aim of the consultation was to initiate, in partnership with indigenous representatives, the development of appropriate policy to be implemented through a global plan of action addressing and promoting the right to health of indigenous people for the International Decade and beyond. Recommendations were made both for the future work of WHO and for other main stakeholders, including Governments, other United Nations agencies and NGOs. One of these was to promote the development and consolidation of partnership, embracing the priority need to establish an informal indigenous people health advisory group.

104. The World Health Assembly, at its fifty-third session, in May 2000, adopted a resolution which urges the United Nations system and member States to take note of the conclusions and recommendations of the consultation on the health of indigenous peoples.

III. Status of the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

105. In paragraph 29 of its resolution 54/154, the General Assembly requested the Secretary-General, the specialized agencies and the regional commissions to provide financial and technical assistance for the organization of the regional preparatory meetings planned in the context of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and stressed that such assistance should be supplemented by voluntary contributions.

106. In the same resolution, the General Assembly appealed to Member States to contribute generously to the voluntary fund for the Conference to cover the preparatory process and the Conference and the participation of non-governmental organizations in particular from developing countries.

107. In its resolution 2000/14, the Commission on Human Rights expressed concern at the lack of financial support to hold regional meetings in preparation for the Conference, and invited all States to contribute generously to the trust fund established by the High Commissioner in order to cover the activities foreseen within the framework of the World Conference, in particular to respond positively and in a timely manner to the appeal for the preparation of the Conference as contained in the annual appeal of the Office of the United Nations High Commissioner for Human Rights. Contributions received from May 1999 to May 2000 are reviewed in annexes I and II to the present report.

IV. Conclusions

108. The process leading to the World Conference against Racism, Racial Discrimination, Xenophobia

and Related Intolerance began formally with the first session of the Preparatory Committee held in Geneva from 1 to 5 May 2000. The deliberations during the meetings of the first session of the Preparatory Committee bear witness to the strong support for the holding of the Conference. States Members of the United Nations, as well as non-governmental and other organizations, appear to have already mobilized themselves to provide an impetus to the fight against racism and racial discrimination.

109. With regard to the activities undertaken to combat racism and racial discrimination by United Nations bodies and specialized agencies, information received on such activities by United Nations bodies and organizations reflect global and concerted efforts to address the issues and provide long-lasting solutions.

Notes

[1] There was no general agreement regarding the word "compensatory"; regional groups and States requested that their positions on this matter be reproduced in the report (see A/CONF.189/PC.1/21, para. 30).

[2] First volume already published; second volume to be published in summer 2000; third volume to be published end 2000/beginning 2001.

Annex I

Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

A. Contributions received from May 1999 to May 2000

Country	*Amount in US$*	*Paid on*
Germany	13 015.00	10.12.1999
India	1 712.00	06.04.2000
Japan	7 000.00	29.02.2000
Saudi Arabia	10 000.00	22.07.1999
Total	**31 727.00**	

B. Contributions pledged

Country	*Amount in US$*	*Pledged on*
Ireland	29 300.00	25.11.1999
Total	**29 300.00**	

Annex II

Trust Fund for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

A. Contributions received from May 1999 to May 2000

Country	*Amount in US$*	*Paid on*
Cuba	874.84	02.09.1999
Finland	25 397.04	25.01.2000
Germany	39 044.80	10.12.1999
Luxembourg	250 000.00	27.02.2000
Israel	5 000.00	17.08.1999
Netherlands	115 997.56	20.01.2000
Norway	63 814.58	06.07.1999
Poland	5 000.00	06.10.1999
South Africa	19 104.00	31.03.2000
Spain	87 537.42	18.02.2000
Sweden	24 584.27	23.06.1999
Switzerland	30 487.80	08.02.2000
United Kingdom	134 623.00	31.03.2000
Total	**801 465.31**	

B. Contributions pledged

Country	*Amount in US$*	*Pledged on*
Sweden	114 811.00	31.03.2000
Turkey	10 000.00	03.05.1999
United States of America	250 000.00	16.05.2000
Spain	83 245.00	26.05.2000
Italy	150 000.00	15.05.2000
Total	**608 054.00**	

Others		
United Nations Fund for International Partnerships	900 000.00 360 000.00	01.03.2000
Ford Foundation	500 000.00	11.05.2000
Total	**1 760 000.00**	

United Nations E/2000/76

Economic and Social Council

Distr.: General
15 June 2000

Original: English

Substantive session of 2000
New York, 5 July-1 August 2000
Item 14 (g) of the provisional agenda*
Social and human rights questions: human rights

General Comments of the Human Rights Committee

Note by the Secretary-General

Pursuant to article 40, paragraph 4, of the International Covenant on Civil and Political Rights, the Secretary-General has the honour to submit to the Economic and Social Council General Comment No. 27 (67), adopted by the Human Rights Committee at its 1783rd meeting (sixty-seventh session), on 18 October 1999 (CCPR/C/21/Rev.1/Add.9), and General Comment No. 28, adopted by the Committee at its 1834th meeting (sixty-eighth session), on 29 March 2000 (CCPR/C/21/Rev.1/Add.10).

* E/2000/100.

00-48691 (E) 100700

General Comment No. 27 (67) General Comment on freedom of movement (article 13)

1. Liberty of movement is an indispensable condition for the free development of a person. It interacts with several other rights enshrined in the Covenant, as is often shown in the Committee's practice of considering reports from States parties and communications from individuals. Moreover, the Committee, in its General Comment No. 15 ("The position of aliens under the Covenant", 1986), referred to the special link between articles 12 and 13.[1]

2. The permissible limitations which may be imposed on the rights protected under article 12 must not nullify the principle of liberty of movement and are governed by the requirement of necessity provided for in article 12, paragraph 3, and by the need for consistency with the other rights recognized in the Covenant.

3. States parties should provide the Committee in their reports with the relevant domestic legal rules and administrative and judicial practices relating to the rights protected by article 12, taking into account the issues discussed in the present general comment. They must also include information on remedies available if these rights are restricted.

Liberty of movement and freedom to choose residence (para. 1)

4. Everyone lawfully within the territory of a State enjoys, within that territory, the right to move freely and to choose his or her place of residence. In principle, citizens of a State are always lawfully within the territory of that State. The question whether an alien is "lawfully" within the territory of a State is a matter governed by domestic law, which may subject the entry of an alien to the territory of a State to restrictions, provided they are in compliance with the State's international obligations. In that connection, the Committee has held that an alien who entered the State illegally, but whose status has been regularized, must be considered to be lawfully within the territory for the purposes of article 12.[2] Once a person is lawfully within a State, any restrictions on his or her rights guaranteed by article 12, paragraphs 1 and 2, as well as any treatment different from that accorded to nationals, have to be justified under the rules provided for by article 12, paragraph 3.[3] It is, therefore, important that States parties indicate in their reports the circumstances in which they treat aliens differently from their nationals in this regard, and how they justify this difference in treatment.

5. The right to move freely relates to the whole territory of a State, including all parts of federal States. According to article 12, paragraph 1, persons are entitled to move from one place to another, and to establish themselves in a place of their choice. The enjoyment of this right must not be made dependent on any particular purpose or reason for the person wanting to move or to stay in a place. Any restrictions must be in conformity with paragraph 3.

6. The State party must ensure that the rights guaranteed in article 12 are protected not only from public but also from private interference. In the case of women, this obligation to protect is particularly pertinent. For example, it is incompatible with article 12, paragraph 1, that the right of a woman to move freely and to choose her residence be made subject, by law or practice, to the decision of another person, including a relative.

7. Subject to the provisions of article 12, paragraph 3, the right to reside in a place of one's choice within the territory includes protection against all forms of forced internal displacement. It also precludes preventing the entry or stay of persons in a defined part of the territory. Lawful detention, however, affects more specifically the right to personal liberty and is covered by article 9 of the Covenant. In some circumstances, articles 12 and 9 may come into play together.[4]

Freedom to leave any country, including one's own (para. 2)

8. Freedom to leave the territory of a State may not be made dependent on any specific purpose or on the period of time the individual chooses to stay outside the country. Thus travelling abroad is covered as well as departure for permanent emigration. Likewise, the right of the individual to determine the State of destination is part of the legal guarantee. As the scope of article 12, paragraph 2, is not restricted to persons lawfully within the territory of a State, an alien being legally expelled from the country is likewise entitled to elect the State of destination, subject to the agreement of that State.[5]

9. In order to enable the individual to enjoy the rights guaranteed by article 12, paragraph 2, obligations are imposed both on the State of residence and on the State of nationality.[6] Since international travel usually requires appropriate documents, in particular a passport, the right to leave a country must include the right to obtain the necessary travel documents. The issuing of passports is normally incumbent on the State of nationality of the individual. The refusal by a State to issue a passport or prolong its validity for a national residing abroad may deprive this person of the right to leave the country of residence and to travel elsewhere.[7] It is no justification for the State to claim that its national would be able to return to its territory without a passport.

10. The practice of States often shows that legal rules and administrative measures adversely affect the right to leave, in particular, a person's own country. It is therefore of the utmost importance that States parties report on all legal and practical restrictions on the right to leave, which they apply both to nationals and to foreigners, in order to enable the Committee to assess the conformity of these rules and practices with article 12, paragraph 3. States parties should also include information in their reports on measures that impose sanctions on international carriers which bring to their territory persons without required documents, where those measures affect the right to leave another country.

Restrictions (para. 3)

11. Article 12, paragraph 3, provides for exceptional circumstances in which rights under paragraphs 1 and 2 may be restricted. This provision authorizes the State to restrict these rights only to protect national security, public order (*ordre public*), public health or morals and the rights and freedoms of others. To be permissible, restrictions must be provided by law, must be necessary in a democratic society for the protection of these purposes, and must be consistent with all other rights recognized in the Covenant (see para. 18 below).

12. The law itself has to establish the conditions under which the rights may be limited. State reports should therefore specify the legal norms upon which restrictions are founded. Restrictions which are not provided for in the law or are not in conformity with the requirements of article 12, paragraph 3, would violate the rights guaranteed by paragraphs 1 and 2.

13. In adopting laws providing for restrictions permitted by article 12, paragraph 3, States should always be guided by the principle that the restrictions must not impair the essence of the right (cf. art. 5, para. 1); the relation between right and restriction, between norm and exception, must not be reversed. The laws authorizing the application of restrictions should use precise criteria and may not confer unfettered discretion on those charged with their execution.

14. Article 12, paragraph 3, clearly indicates that it is not sufficient that the restrictions serve the permissible purposes; they must also be necessary to protect them. Restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument among those which might achieve the desired result; and they must be proportionate to the interest to be protected.

15. The principle of proportionality has to be respected not only in the law that frames the restrictions, but also by the administrative and judicial authorities in applying the law. States should ensure that any proceedings relating to the exercise or restriction of these rights are expeditious and that reasons for the application of restrictive measures are provided.

16. States have often failed to show that the application of their laws restricting the rights enshrined in article 12, paragraphs 1 and 2, are in conformity with all requirements referred to in article 12, paragraph 3. The application of restrictions in any individual case must be based on clear legal grounds and meet the test of necessity and the requirements of proportionality. These conditions would not be met, for example, if an individual were prevented from leaving a country merely on the ground that he or she is the holder of "State secrets", or if an individual were prevented from travelling internally without a specific permit. On the other hand, the conditions could be met by restrictions on access to military zones on national security grounds or limitations on the freedom to settle in areas inhabited by indigenous or minorities communities.[8]

17. A major source of concern is the manifold legal and bureaucratic barriers unnecessarily affecting the full enjoyment of the rights of the individuals to move freely, to leave a country, including their own, and to

take up residence. Regarding the right to movement within a country, the Committee has criticized provisions requiring individuals to apply for permission to change their residence or to seek the approval of the local authorities of the place of destination, as well as delays in processing such written applications. States' practice presents an even richer array of obstacles making it more difficult to leave the country, in particular for their own nationals. These rules and practices include, *inter alia*, lack of access for applicants to the competent authorities and lack of information regarding requirements; the requirement to apply for special forms through which the proper application documents for the issuance of a passport can be obtained; the need for supportive statements from employers or family members; exact description of the travel route; issuance of passports only on payment of high fees substantially exceeding the cost of the service rendered by the administration; unreasonable delays in the issuance of travel documents; restrictions on family members travelling together; requirement of a repatriation deposit or a return ticket; requirement of an invitation from the State of destination or from people living there; harassment of applicants, for example by physical intimidation, arrest, loss of employment or expulsion of their children from school or university; refusal to issue a passport because the applicant is said to harm the good name of the country. In the light of these practices, States parties should make sure that all restrictions imposed by them are in full compliance with article 12, paragraph 3.

18. The application of the restrictions permissible under article 12, paragraph 3, needs to be consistent with the other rights guaranteed in the Covenant and with the fundamental principles of equality and non-discrimination. Thus, it would be a clear violation of the Covenant if the rights enshrined in article 12, paragraphs 1 and 2, were restricted by making distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In examining State reports, the Committee has on several occasions found that measures preventing women from moving freely or from leaving the country by requiring them to have the consent or the escort of a male person, constitute a violation of article 12.

The right to enter one's own country (para. 4)

19. The right of a person to enter his or her own country recognizes the special relationship of a person to that country. The right has various facets. It implies the right to remain in one's own country. It includes not only the right to return after having left one's own country; it may also entitle a person to come to the country for the first time if he or she was born outside the country (for example, if that country is the person's state of nationality). The right to return is of the utmost importance for refugees seeking voluntary repatriation. It also implies prohibition of enforced population transfers or mass expulsions to other countries.

20. The wording of article 12, paragraph 4, does not distinguish between nationals and aliens ("no one"). Thus, the persons entitled to exercise this right can be identified only by interpreting the meaning of the phrase "his own country".[9] The scope of "his own country" is broader than the concept "country of his nationality". It is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, of nationals of a country who have there been stripped of their nationality in violation of international law and of individuals whose country of nationality has been incorporated in or transferred to another national entity and whose nationality is being denied them. The language of article 12, paragraph 4, moreover, permits a broader interpretation that might embrace other categories of long-term residents, including but not limited to stateless persons arbitrarily deprived of the right to acquire the nationality of the country of such residence. Since other factors may in certain circumstances result in the establishment of close and enduring connections between a person and a country, States parties should include in their reports information on the rights of permanent residents to return to their country of residence.

21. In no case may a person be arbitrarily deprived of the right to enter his or her own country. The reference to the concept of arbitrariness in this context is intended to emphasize that it applies to all State action, legislative, administrative, and judicial; it guarantees that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in

the particular circumstances. The Committee considers that there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable. A State party must not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent this person from returning to his or her own country.

General Comment No. 28
General Comment on equality of rights between men and women (article 3)

22. The Committee has decided to update its General Comment on article 3 of the Covenant and to replace General Comment No. 4 (thirteenth session, 1981) in the light of the experience it has gathered in its activities over the past 20 years. This revision seeks to take account of the important impact of this article on the enjoyment by women of the human rights protected under the Covenant.

23. Article 3 implies that all human beings should enjoy the rights provided for in the Covenant, on an equal basis and in their totality. The full effect of this provision is impaired whenever any person is denied the full and equal enjoyment of any right. Consequently, States should ensure to men and women equally the enjoyment of all rights provided for in the Covenant.

24. The obligation to ensure to all individuals the rights recognized in the Covenant, established in articles 2 and 3 of the Covenant, requires that States parties take all necessary steps to enable every person to enjoy those rights. These steps include the removal of obstacles to the equal enjoyment each of such rights, the education of the population and of state officials in human rights and the adjustment of domestic legislation so as to give effect to the undertakings set forth in the Covenant. The State party must not only adopt measures of protection but also positive measures in all areas so as to achieve the effective and equal empowerment of women. States parties must provide information regarding the actual role of women in society so that the Committee may ascertain what measures, in addition to legislative provisions, have been or should be taken to give effect to these obligations, what progress has been made, what difficulties are encountered and what steps are being taken to overcome them.

25. States parties are responsible for ensuring the equal enjoyment of rights without any discrimination. Articles 2 and 3 mandate States parties to take all steps necessary, including the prohibition of discrimination on the ground of sex, to put an end to discriminatory actions both in the public and the private sectors that impair the equal enjoyment of rights.

26. Inequality in the enjoyment of rights by women throughout the world is deeply embedded in tradition, history and culture, including religious attitudes. The subordinate role of women in some countries is illustrated by the high incidence of prenatal sex selection and abortion of female fetuses. States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights. States parties should furnish appropriate information on those aspects of tradition, history, cultural practices and religious attitudes that jeopardize, or may jeopardize, compliance with article 3, and indicate what measures they have taken or intend to take to overcome such factors.

27. In order to fulfil the obligations set forth in article 3, States parties should take account of the factors that impede the equal enjoyment by women and men of each right specified in the Covenant. To enable the Committee to obtain a complete picture of the situation of women in each State party as regards the implementation of the rights in the Covenant, this general comment identifies some of the factors affecting the equal enjoyment by women of the rights under the Covenant, and spells out the type of information that is required with regard to these various rights.

28. The equal enjoyment of human rights by women must be protected during a state of emergency (article 4). States parties that take measures derogating from their obligations under the Covenant in time of public emergency, as provided in article 4, should provide information to the Committee with respect to the impact on the situation of women of such measures and should demonstrate that they are non-discriminatory.

29. Women are particularly vulnerable in times of internal or international armed conflicts. States parties should inform the Committee of all measures taken

during these situations to protect women from rape, abduction and other forms of gender-based violence.

30. In becoming parties to the Covenant, States undertake, in accordance with article 3, to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant, and in accordance with article 5, nothing in the Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights provided for in article 3, or at limitations not covered by the Covenant. Moreover, there shall be no restriction upon or derogation from the equal enjoyment by women of all fundamental human rights recognized or existing pursuant to law, conventions, regulations or customs, on the pretext that the Covenant does not recognize such rights or that it recognizes them to a lesser extent.

31. When reporting on the right to life protected by article 6, States parties should provide data on birth rates and on pregnancy and childbirth-related deaths of women. Gender-disaggregated data should be provided on infant mortality rates. States parties should give information on any measures taken by the State to help women prevent unwanted pregnancies, and to ensure that they do not have to undertake life-threatening clandestine abortions. States parties should also report on measures to protect women from practices that violate their right to life, such as female infanticide, the burning of widows and dowry killings. The Committee also wishes to have information on the particular impact on women of poverty and deprivation that may pose a threat to their lives.

32. To assess compliance with article 7 of the Covenant, as well as with article 24, which mandates special protection for children, the Committee needs to be provided information on national laws and practice with regard to domestic and other types of violence against women, including rape. It also needs to know whether the State party gives access to safe abortion to women who have become pregnant as a result of rape. The States parties should also provide the Committee information on measures to prevent forced abortion or forced sterilization. In States parties where the practice of genital mutilation exists, information on its extent and on measures to eliminate it should be provided. The information provided by States parties on all these issues should include measures of protection, including legal remedies, for women whose rights under article 7 have been violated.

33. Having regard to their obligations under article 8, States parties should inform the Committee of measures taken to eliminate trafficking of women and children, within the country or across borders, and forced prostitution. They must also provide information on measures taken to protect women and children, including foreign women and children, from slavery, disguised, *inter alia*, as domestic or other kinds of personal service. States parties where women and children are recruited, and from which they are taken, and States parties where they are received should provide information on measures, national or international, which have been taken in order to prevent the violation of women's and children's rights.

34. States parties should provide information on any specific regulation of clothing to be worn by women in public. The Committee stresses that such regulations may involve a violation of a number of rights guaranteed by the Covenant, such as article 26, on non-discrimination; article 7, if corporal punishment is imposed in order to enforce such a regulation; article 9, when failure to comply with the regulation is punished by arrest; article 12, if liberty of movement is subject to such a constraint; article 17, which guarantees all persons the right to privacy without arbitrary or unlawful interference; articles 18 and 19, when women are subjected to clothing requirements that are not in keeping with their religion or their right of self-expression; and, lastly, article 27, when the clothing requirements conflict with the culture to which the woman can lay a claim.

35. With regard to article 9, States parties should provide information on any laws or practices that may deprive women of their liberty on an arbitrary or unequal basis, such as by confinement within the house (see General Comment No. 8, para. 1).

36. As regards articles 7 and 10, States parties must provide all information relevant to ensuring that the right of persons deprived of their liberty are protected on equal terms for men and women. In particular, States parties should report on whether men and women are separated in prisons and whether women are guarded only by female guards. States parties should also report about compliance with the rule that accused juvenile females shall be separated from adults and on any difference in treatment between male and

female persons deprived of liberty, such as, for example, access to rehabilitation and education programmes and to conjugal and family visits. Pregnant women who are deprived of their liberty should receive humane treatment and respect for their inherent dignity at all times surrounding the birth and while caring for their newly born children; States parties should report on facilities to ensure this and on medical health care for such mothers and their babies.

37. As regards article 12, States parties should provide information on any legal provision or any practice that restricts women's right to freedom of movement as, for example, the exercise of marital powers over the wife or parental powers over adult daughters, legal or de facto requirements that prevent women from travelling, such as the requirement of consent of a third party to the issuance of a passport or other type of travel documents to an adult woman. States parties should also report on measures taken to eliminate such laws and practices and to protect women against them, including reference to available domestic remedies (see General Comment No. 27, paras. 6 and 18).

38. States parties should ensure that alien women are accorded, on an equal basis, the right to submit reasons against their expulsion and to have their case reviewed as provided in article 13. In this regard, they should be entitled to submit reasons based on gender-specific violations of the Covenant, such as those mentioned in paragraphs 32 and 33 above.

39. States parties should provide information to enable the Committee to ascertain whether access to justice and the right to a fair trial, provided for in article 14, are enjoyed by women on equal terms to men. In particular, States parties should inform the Committee whether there are legal provisions preventing women from direct and autonomous access to the courts (case 202/1986, Ato del Avellanal v. Peru (views of 28 October 1988)); whether women may give evidence as witnesses on the same terms as men; and whether measures are taken to ensure women equal access to legal aid, in particular in family matters. States parties should report on whether certain categories of women are denied the enjoyment of the presumption of innocence under article 14, paragraph 2, and on the measures that have been taken to put an end to this situation.

40. The right of everyone under article 16 to be recognized everywhere as a person before the law is particularly pertinent for women, who often see it curtailed by reason of sex or marital status. This right implies that the capacity of women to own property, to enter into a contract or to exercise other civil rights may not be restricted on the basis of marital status of any other discriminator ground. It also implies that women may not be treated as objects to be given together with the property of the deceased husband to his family. States must provide information on laws or practices that prevent women from being treated or from functioning as full legal persons and the measures taken to eradicate laws or practices that allow such treatment.

41. States parties must provide information to enable the Committee to assess the effect of any laws and practices that may interfere with women's right to enjoy privacy and other rights protected by article 17 on the basis of equality with men. An example of such interference arises where the sexual life of a woman is taken into consideration to decide the extent of her legal rights and protections, including protection against rape. Another area where States may fail to respect women's privacy relates to their reproductive functions, for example, where there is a requirement for the husband's authorization to make a decision in regard to sterilization, where general requirements are imposed for the sterilization of women, such as having a certain number of children or being of a certain age, or where States impose a legal duty upon doctors and other health personnel to report cases of women who have undergone abortion. In these instances, other rights in the Covenant, such as those of articles 6 and 7, might also be at stake. Women's privacy may also be interfered with by private actors, such as employers who request a pregnancy test before hiring a woman. States parties should report on any laws and public or private actions that interfere with the equal enjoyment by women of the rights under article 17, and on the measures taken to eliminate such interference and to afford women protection from any such interference.

42. States parties must take measures to ensure that freedom of thought, conscience and religion, and the freedom to adopt the religion or belief of one's choice — including the freedom to change religion or belief and to express one's religion or belief — will be guaranteed and protected in law and in practice for both men and women, on the same terms and without

discrimination. These freedoms, protected by article 18, must not be subject to restrictions other than those authorized by the Covenant, and must not be constrained by, *inter alia*, rules requiring permission from third parties, or by interference from fathers, husbands, brothers or others. Article 18 may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion; States parties should therefore provide information on the status of women as regards their freedom of thought, conscience and religion, and indicate what steps they have taken or intend to take both to eliminate and prevent infringements of these freedoms in respect of women and to protect their rights against any discrimination.

43. In relation to article 19, States parties should inform the Committee of any laws or other factors that may impede women from exercising the rights protected under this provision on an equal basis. As the publication and dissemination of obscene and pornographic material that portrays women and girls as objects of violence or degrading or inhuman treatment is likely to promote these kinds of treatment of women and girls, States parties should provide information about legal measures to restrict the publication or dissemination of such material.

44. States are required to treat men and women equally in regard to marriage in accordance with article 23, which has been elaborated further by General Comment No. 19 (1990). Men and women have the right to enter into marriage only with their free and full consent, and States have an obligation to protect the enjoyment of this right on an equal basis. Many factors may prevent women from being able to make the decision to marry freely. One factor relates to the minimum age for marriage. That age should be set by the State on the basis of equal criteria for men and women. These criteria should ensure women's capacity to make an informed and uncoerced decision. A second factor in some States may be that either by statutory or customary law a guardian, who is generally male, consents to the marriage instead of the woman herself, thereby preventing women from exercising a free choice.

45. A difference factor that may affect women's right to marry only when they have given free and full consent is the existence of social attitudes that tend to marginalize women victims of rape and put pressure on them to agree to marriage. A woman's free and full consent to marriage may also be undermined by laws that allow the rapist to have his criminal responsibility extinguished or mitigated if he marries the victim. States parties should indicate whether marrying the victim extinguishes or mitigates criminal responsibility and in the case in which the victim is a minor whether the rape reduces the marriageable age of the victim, particularly in societies where rape victims have to endure marginalization from society. A different aspect of the right to marry may be affected when States impose restrictions on remarriage by women as compared to men. Also, the right to choose one's spouse may be restricted by laws or practices that prevent the marriage of a woman of a particular religion with a man who professes no religion or a different religion. State should provide information on these laws and practices and on the measures taken to abolish the laws and eradicate the practices that undermine the right of women to marry only when they have given free and full consent. It should also be noted that equality of treatment with regard to the right to marry implies that polygamy is incompatible with this principle. Polygamy violates the dignity of women. It is an inadmissible discrimination against women. Consequently, it should be definitely abolished wherever it continues to exist.

46. To fulfil their obligations under article 23, paragraph 4, States must ensure the matrimonial regime contains equal rights and obligations for both spouses with regard to the custody and care of children, the children's religious and moral education, the capacity to transmit to children the parent's nationality, and the ownership or administration of property, whether common property or property in the sole ownership of either spouse. States should review their legislation to ensure that married women have equal rights in regard to the ownership and administration of such property, where necessary. Also, States should ensure that no sex-based discrimination occurs in respect of the acquisition or loss of nationality by reason of marriage, of residence rights and of the right of each spouse to retain the use of his or her original family name or to participate on an equal basis in the choice of a new family name. Equality during marriage implies that husband and wife should participate equally in responsibility and authority within the family.

47. States must also ensure equality in regard to the dissolution of marriage, which excludes the possibility of repudiation. The grounds for divorce and annulment

should be the same for men and women, as well as decisions with regard to property distribution, alimony and the custody of children. The need to maintain contact between children and the non-custodian parent should be based on equal considerations. Women should also have equal inheritance rights to those of men when the dissolution of marriage is caused by the death of one of the spouses.

48. In giving effect to recognition of the family in the context of article 23, it is important to accept the concept of the various forms of family, including unmarried couples and their children and single parents and their children and to ensure the equal treatment of women in these contexts (General Comment No. 19, para. 2, last sentence). Single-parent families frequently consist of a single woman caring for one or more children, and States parties should describe what measures of support are in place to enable her to discharge her parental functions on the basis of equality with a man in a similar position.

49. The obligation of States to protect children (article 24) should be carried out equally for boys and girls. States should report on measures taken to ensure that girls are treated equally to boys in education, in feeding and in health care, and provide the Committee with disaggregated data in this respect. States should eradicate, both through legislation and any other appropriate measures, all cultural or religious practices that jeopardize the freedom and well-being of female children.

50. The right to participate in the conduct of public affairs is not fully implemented everywhere on an equal basis. States must ensure that the law guarantees to women the rights stipulated in article 25 on equal terms with men and take effective and positive measures to promote and ensure women's participation in the conduct of public affairs and in public office, including appropriate affirmative action. Effective measures taken by States parties to ensure that all persons entitled to vote are able to exercise that right should not be discriminatory on the grounds of sex. The Committee requires States parties to provide statistical information on the percentage of women in publicly elected offices, including the legislature, as well as in high-ranking civil service positions and the judiciary.

51. Discrimination against women is often intertwined with discrimination on other grounds such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. States parties should address the ways in which any instances of discrimination on other grounds affect women in a particular way, and include information on the measures taken to counter these effects.

52. The right to equality before the law and freedom from discrimination, protected by article 26, requires States to act against discrimination by public and private agencies in all fields. Discrimination against women in areas such as social security laws (cases 172/84, Broeks v. Netherlands (views of 9 April 1987); 182/84, Zwaan de Vries v. Netherlands (views of 9 April 1987); and 218/1986, Vos v. Netherlands (views of 29 March 1989)), as well as in the area of citizenship or rights of non-citizens in a country (case 035/1987, Aumeeruddy-Cziffra and others v. Mauritius (views of 9 April 1981)), violates article 26. The commission of so-called "honour crimes", which remain unpunished, constitutes a serious violation of the Covenant and in particular of articles 6, 14 and 26. Laws that impose more severe penalties on women than on men for adultery or other offences also violate the requirement of equal treatment. The Committee has also often observed, in reviewing States reports, that a large proportion of women are employed in areas that are not protected by labour laws, that prevailing customs and traditions discriminate against women, particularly with regard to access to better paid employment and to equal pay for work of equal value. States should review their legislation and practices and take the lead in implementing all measures necessary in order to eliminate discrimination against women, in all fields, for example by prohibiting discrimination by private actors in areas such as employment, education, political activities and the provision of accommodation, goods and services. States parties should report on all these measures and provide information on the remedies available to victims of such discrimination.

53. The rights that persons belonging to minorities enjoy under article 27 of the Covenant in respect of their language, culture and religion do not authorize any State, group or person to violate the right to equal enjoyment by women of any Covenant rights, including the right to equal protection of the law. States should report on any legislation or administrative practices related to membership in a minority community that

might constitute an infringement of the equal rights of women under the Covenant (case 24/1977 Lovelace v. Canada (views on July 1981)) and on measures taken or envisaged to ensure the equal rights of men and women to enjoy all civil and political rights under the Covenant. Likewise, States should report on measures taken to discharge their responsibilities in relation to cultural or religious practices within minority communities that affect the rights of women. In their reports, States parties should pay attention to the contribution made by women to the cultural life of their communities.

Notes

[1] HRI/GEN/1/Rev.3, 15 August 1997 (para. 8).

[2] Communication No. 456/1991, *Celepli v. Sweden*, para. 9.2.

[3] General Comment No. 15 (HRI/GEN/1/Rev.3, para. 8).

[4] See, for example, communications Nos. 138/1983, *Mpandajila v. Zaire*, para. 10; 157/1983, *Mpaka-Nsusu v. Zaire*, para. 10; 241/1987 and 242/1987, *Birhashwirwa/Tshisekedi v. Zaire*, para. 13.

[5] See General Comment No. 15 (HRI/GEN/1/Rev.3, para. 9).

[6] See communications Nos. 106/1981, *Montero v. Uruguay*, para. 9.4; 57/1979, *Vidal Martins v. Uruguay*, para. 7; 77/1980, *Lichtensztejn v. Uruguay*, para. 6.1.

[7] See communication No. 57/1979, *Vidal Martins v. Uruguay*, para. 9.

[8] See General Comment No. 23 (HRI/GEN/1/Rev.3, para. 7).

[9] See communication No. 538/1993, *Stewart v. Canada*.

United Nations E/2000/77

Economic and Social Council

Distr.: General
16 June 2000

Original: English

Substantive session of 2000
New York, 5 July-1 August 2000
Item 14 (a) of the provisional agenda*
Social and human rights question: advancement of women

Follow-up to and implementation of the Beijing Declaration and Platform for Action

Report by the Secretary-General

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I. Introduction

1. In its resolution 52/100, the General Assembly requested the Secretary-General to report annually, to the Assembly, the Commission on the Status of Women and the Economic and Social Council on the follow-up to and implementation of the Beijing Declaration and Platform for Action.[1] A similar mandate is contained in Assembly resolution 50/203.

2. In each of the three reports submitted in the course of a year, on a rolling basis, information is provided that is most pertinent to the respective intergovernmental body in order to facilitate its decision-making process. The report to the Economic and Social Council aims at assisting it in its coordination function; the report to the Commission on the Status of Women highlights efforts made by the Secretariat in support of mainstreaming a gender perspective. The report to the General Assembly contains information on the activities undertaken by the entities of the United Nation system, including specialized agencies and international financial institutions, as well as an analysis of activities undertaken at the national level, and by non-governmental organizations and civil society.

3. The present report is intended to update the information provided in the reports to the General Assembly at its fifty-fourth session, in 1999 (A/54/264), and to the Commission on the Status of Women at its forty-fourth session, in 2000 (E/CN.6/2000/2), concerning developments related to the implementation of the Beijing Declaration and Platform for Action in intergovernmental forums reporting to the Economic and Social Council, in the regional commissions and in the Inter-Agency Committee on Women and Gender Equality since the submission of the report of the Secretary-General to the Economic and Social Council at its substantive session of 1999 (E/1999/54).

II. Results of the Commission on the Status of Women

4. The Commission on the Status of Women held its forty-fourth session from 28 February to 2 March 2000. The session was followed, from 3 to 17 March, by the third session of the Commission acting as the preparatory committee for the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century". The special session of the General Assembly was held from 5 to 9 June 2000.

A. Decisions of the Commission on the Status of Women

5. During its session, the Commission held a panel discussion on emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men. The Commission discussed the follow-up to Economic and Social Council resolutions and decisions, which is now a standing item on the Commission's agenda following the note prepared by the Secretariat concerning the steps already taken by the Commission to implement the Council's policy decisions (E/CN.6/2000/5). The Commission also decided that, at its forty-fifth session, in 2001, it would consider two themes, namely, "Women, the girl child and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS)" and "Gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance".

6. The Commission adopted two resolutions (resolution 44/1 on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts and resolution 44/2 on women, the girl child and human immunodeficiency virus/acquired immunodeficiency syndrome).[2] The Commission also recommended two draft resolutions for adoption by the Economic and Social Council (draft resolution I on the situation of women and girls in Afghanistan and draft resolution II on the situation of and assistance to Palestinian women).[3]

7. In its resolution 44/1, the Commission condemned violent acts in contravention of international humanitarian law against civilian women and children in areas of armed conflict, and called for an effective response to such acts, including the immediate release of such women and children. It also urged all parties to armed conflicts to respect fully the norms of international humanitarian law, to take all necessary measures for the protection of those women and children and to provide them with safe unimpeded access to humanitarian assistance.

8. In its resolution 44/2, the Commission urged Governments to take all necessary measures to strengthen women's economic independence and to protect and promote their human rights and fundamental freedoms in order to allow them to better protect themselves from HIV infection. The Commission urged Governments to take steps to create an environment that promotes compassion and support for those infected with HIV, to provide the legal framework that would protect the rights of people living with HIV/AIDS, to enable those who are vulnerable to have access to appropriate voluntary counselling services and to encourage efforts to reduce discrimination and stigmatization.

9. By draft resolution I, the Economic and Social Council would condemn the continuing grave violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan. The Council would also condemn the continued restrictions on women's access to health care and the systematic violation of the human rights of women in Afghanistan, including the restrictions on access to education and to employment outside the home, freedom of movement, and freedom from intimidation, harassment and violence. The Council would urge all the Afghan parties to bring to an end without delay all human rights violations against women and girls and urge States to mainstream a gender perspective in all aspects of their policies and actions related to Afghanistan.

10. By draft resolution II, the Economic and Social Council would call upon the concerned parties, as well as the entire international community, to exert all the necessary efforts to ensure the continuity and success of the peace process in the Middle East and the achievement of tangible progress in the improvement of the situation of Palestinian women and their families.

11. During the session, the Working Group on Communications on the Status of Women met to consider the list of confidential and non-confidential communications concerning the status of women and submitted a report to the Commission (E/CN.6/2000/CRP.4).

B. Decisions of the Commission on the Status of Women acting as the preparatory committee for the special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first century"

12. The Commission, acting as the preparatory committee, reaffirmed its commitment to the Beijing Platform for Action and expressed the hope that the review of the implementation of the Platform for Action at the special session of the General Assembly would result in an effective outcome document, setting specific concrete measures to overcome remaining obstacles to the implementation of the Beijing Declaration and Platform for Action. The preparatory committee emphasized progress in the implementation of the Platform for Action at the national, regional and international levels and drew attention to the challenges that still remain to its implementation, including the following: lack of human and financial resources; impact of globalization; unequal access to improved communication technologies; HIV/AIDS; poverty; changing nature of conflict and persistence of stereotypical attitudes towards the roles of men and women.

13. The preparatory committee considered the organizational aspects of the special session, completed its work on the draft political declaration to be presented for adoption at the special session, and continued its work on the second outcome document, entitled "Further actions and initiatives to implement the Beijing Declaration and Platform for Action". The preparatory committee also approved two draft decisions on the participation and accreditation of non-governmental organizations at the special session of the General Assembly, which were forwarded to and adopted by the Assembly (decisions 54/466 and 54/467). During the session, a panel discussion entitled "Outlook on gender equality, development and peace" was held.

III. Results of other functional commissions of the Economic and Social Council

A. Commission for Social Development

14. The Commission for Social Development held its thirty-eighth session from 8 to 17 February and on 14 and 17 March 2000. It recommended to the Economic and Social Council the adoption of draft resolution I entitled "Follow-up to the International Year of Older Persons: Second World Assembly on Ageing".[4] In the draft resolution, it is indicated that a Second World Assembly on Ageing would be convened in Spain in April 2002, and that the Commission would serve as the preparatory committee. The Commission also adopted decision 38/100 on the follow-up to the International Year of Older Persons.[5]

15. The Commission adopted the agreed conclusions on the overall review and appraisal of the implementation of the outcome of the World Summit for Social Development (resolution 38/1, annex)[6] and recommended to the Economic and Social Council the adoption of draft resolution II on the further promotion of equalization of opportunities by, for and with persons with disabilities, which addresses discrimination against women with disabilities.[7]

B. Commission on Population and Development

16. At its thirty-third session, held from 27 to 30 March 2000, the Commission on Population and Development held a general discussion on its special theme "Population, gender and development", under the item entitled "Follow-up actions to the recommendations of the International Conference on Population and Development". In discussing the follow-up actions, the Commission emphasized the impact of globalization on women, population changes and the specific roles assigned to men and women. It also recognized poverty eradication and the need for better education of women as important objectives, and issues related to women's reproductive health and the HIV/AIDS pandemic were also discussed.

17. In its resolution 2000/1 on population, gender and development,[8] the Commission requested the Population Division to continue to incorporate gender perspectives in all its research on population policies. In its decision 2000/1 on special themes for the Commission in the years 2001 to 2003,[9] the Commission decided that at its thirty-fourth session it would consider the theme "Population, environment and development", at its thirty-fifth session it would consider "Reproductive rights and reproductive health, with special reference to human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS)", and at its thirty-sixth session it would consider "Population, education and development".

C. Commission on Narcotic Drugs

18. At its forty-third session, held in Vienna from 6 to 15 March 2000, the Commission on Narcotic Drugs adopted several resolutions on such issues as the establishment and/or strengthening of national and regional prevention programmes; the sale of drugs via the Internet; and the use and trafficking of drugs by children.[9] The Commission recommended to the Economic and Social Council the adoption of draft resolution I, in which the General Assembly would be invited to include the world drug problem on the agenda of the Millennium Summit, to be held from 6 to 8 September 2000.[10]

19. The Commission also recommended to the Economic and Social Council the adoption of draft resolution II, in which the Council would call for the promotion of information and education programmes that will raise awareness of the risks of drug abuse, taking into account gender differences.[10]

D. Commission on Human Rights

20. The Commission on Human Rights held its fifty-sixth session from 20 March to 28 April 2000. As in its previous session, the agenda included an item entitled "Integration of the human rights of women and the gender perspective", with "Violence against women" as a sub-item. The Commission adopted four resolutions addressing women's human rights, while gender issues were included in several resolutions on the work of human rights treaty bodies, in resolutions on the work of special thematic rapporteurs and in resolutions applying to specific countries.

1. Women's enjoyment of human rights

21. In its resolution 2000/13 on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, the Commission urged Governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women to own property and to an adequate standard of living, including adequate housing. Governments were urged to work towards the transformation of discriminatory customs and traditions that deny women such rights. Governments, the United Nations system and non-governmental organizations were encouraged to undertake education efforts on women's rights to ownership.

22. In its resolution 2000/44 on traffic in women and girls, the Commission urged Governments to take appropriate measures to eliminate trafficking in women and girls and help victims of violence, including the strengthening of legislation and the allocation of resources for comprehensive rehabilitation programmes. Governments, non-governmental organizations and United Nations bodies and organizations were called upon to participate in the work of the twenty-sixth session of the Working Group on Contemporary Forms of Slavery, in 2001, which would focus on the issue of trafficking.

23. In its resolution 2000/45, Governments were urged to take measures to address the issue of violence against women. The Commission reiterated its support for the Convention on the Elimination of All Forms of Discrimination against Women[11] and its Optional Protocol[12] as tools to eliminate violence against women. It also commended the Special Rapporteur on violence against women for her work and renewed her mandate for a period of three years.

24. In its resolution 2000/46 on integrating the human rights of women throughout the United Nations system, the Commission, invited the Economic and Social Council to give attention to its agreed conclusions 1997/2 on mainstreaming the gender perspective and 1998/2 on the coordinated follow-up of the Vienna Declaration and Programme of Action. The Commission urged States to ratify the Convention on the Elimination of All Forms of Discrimination against Women in order to achieve universal ratification of the Convention by the end of 2000. It also welcomed the adoption by the General Assembly of the Optional Protocol to the Convention and urged States to consider signing, ratifying or acceding to it for its early entry into force. The Commission supported the cooperation between the Division for the Advancement of Women and the United Nations High Commissioner for Human Rights aimed at mainstreaming women's human rights and requested them to prepare a joint work plan for the year 2000 (E/CN.6/2000/8-E/CN.4/2000/118). The Commission also expressed willingness to integrate a gender perspective into all the items of its agenda.

2. Gender issues in the work of human rights treaty bodies, thematic rapporteurs and other mechanisms

25. In several resolutions (2000/9, 2000/15, 2000/17, 2000/18, 2000/19, 2000/20, 2000/21, 2000/23, 2000/27, 2000/28, 2000/31, 2000/33, 2000/38, 2000/44, 2000/45 and 2000/54), the Commission requested its Special Rapporteurs, including those on freedom of opinion and expression (2000/38), on torture and other cruel, inhuman and degrading treatment or punishment (2000/43), and on the human rights of migrants (2000/54), and, in resolution 2000/37, its Working Group on Enforced or Involuntary Disappearances, to apply a gender perspective in their work. Cooperation between several Special Rapporteurs and the Special Rapporteur on violence against women was encouraged.

26. In its resolution 2000/53 on internally displaced persons, the Commission welcomed the special attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and his commitment to pay more systematic attention to the specific needs of women and children. In its resolution 2000/46, the Commission stressed the need to monitor closely the enjoyment of the human rights of women by the human rights working bodies and, *inter alia*, the importance of giving consideration to the gender balance of membership of human rights treaty bodies.

3. Attention to gender in issue-specific resolutions

27. The violation of women's human rights and the need to take a gender perspective when dealing with particular topics was identified by the Commission in several issue-specific resolutions:

(a) In resolution 2000/5 on the right to development, the Commission affirmed the need to apply a gender perspective in the implementation of the right to development, *inter alia*, by ensuring that women play an active role in the development process;

(b) In resolution 2000/10 on the right to food, the Commission drew attention to the situation of 825 million people, most of whom are women and children, who do not have enough food to meet their basic nutritional needs;

(c) In resolution 2000/12 on human rights and extreme poverty, the Commission reaffirmed that special attention must be given to the plight of women and children, who often bear the greatest burden of extreme poverty;

(d) In resolution 2000/14 on racism, racial discrimination, xenophobia and related intolerance, the Commission stressed the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in 2001;

(e) In resolution 2000/30 on human rights and terrorism, the Commission deplored the suffering of innocent victims, including women and children;

(f) In resolution 2000/47 on promoting and consolidating democracy, the Commission called upon States to promote gender equality with the aim of achieving full equality between women and men;

(g) In resolution 2000/48 on the human rights of migrants, the Commission called for a focused and consistent approach towards migrants, as a specific vulnerable group, particularly women and children migrants;

(h) In resolution 2000/51 on the human rights of persons with disabilities, the Commission urged Governments to implement, with the cooperation of relevant organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, having particular regard for the needs of women, children and persons with developmental and psychiatric disabilities in order to guarantee their human dignity and integrity;

(i) In resolution 2000/55 on human rights and mass exoduses, the Commission recognized the vulnerability of refugees and internally displaced women and girls to persecution, gender-based discrimination and gender-specific violations of human rights. The Commission called upon States to protect and promote the human rights of all refugees and displaced persons and to ensure that women become full and equal participants in the planning, design, implementation, monitoring and evaluation of all projects and programmes;

(j) In resolution 2000/56 concerning indigenous populations, the Commission recommended that the situation of indigenous people be taken into account in forthcoming United Nations conferences of relevance, including the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

28. The protection of the rights of the girl child was addressed in a number of resolutions, including in resolution 2000/59 on the question of draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. In particular, the great risk of sexual exploitation of girl children was recognized. In resolution 2000/66 entitled "Towards a culture of peace", the Commission affirmed the need for women, children, men and the elderly to have equal access to an education for peace, and called upon States to promote a culture of peace as an integral approach to preventing violence in its diverse manifestations. In resolution 2000/68 on impunity, States were urged to take appropriate measures to address the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women and children.

29. The importance of education in the promotion and protection of human rights was addressed in resolution 2000/71 on the United Nations Decade for Human Rights Education, in which the Commission urged all relevant organs, bodies and agencies of the United Nations system to provide training in the human rights of women for all United Nations personnel and officials. In resolution 2000/73 on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights, the Commission requested the Secretary-General to take the necessary measures to ensure that particular attention is paid to women among the personnel from developing countries

to be recruited for the existing vacancies and future posts in the Office of the High Commissioner.

30. The promotion of the human rights of women was also affirmed in resolution 2000/76 on national institutions for the promotion and protection of human rights, in which national institutions promoting human rights were called upon to participate in the five-year review of the implementation of the Beijing Platform for Action. In resolution 2000/84 on defamation of religions, the Commission reaffirmed the call of the World Conference on Human Rights for all Governments to take all appropriate measures to counter intolerance and related violence based on religion or belief, including practices of discrimination against women.

4. Country-specific resolutions

31. The Commission identified the need to address the violation of women's human rights in various resolutions addressing specific countries, including Afghanistan, Bosnia and Herzegovina, Burundi, Cambodia, Croatia, the Democratic Republic of the Congo, Equatorial Guinea, Haiti, the Islamic Republic of Iran, Iraq, Myanmar, Rwanda, Sierra Leone, Somalia, the Sudan and Yugoslavia. A number of country rapporteurs were asked systematically to apply a gender perspective in their reporting process, including in information collection and recommendations. In several country-specific resolutions, gender was referred to as being a factor in the enjoyment of human rights:

(a) Democratic Republic of the Congo (resolution 2000/15): the Commission expressed its concern at the occurrence of cases of sexual violence against women and children and urged all parties to the conflict in the country to respect the rights of women and children as per the provisions of international humanitarian, human rights and refugee law;

(b) Afghanistan (resolution 2000/18): the Commission expressed its concern about the deteriorating economic and social conditions of women and girls in all areas of Afghanistan and about the grave violations of the human rights of women and girls. All the Afghan parties were urged to take urgent measures to bring to an end such violations, including all forms of discrimination against women such as restriction on access to health care, education, employment outside the home, humanitarian aid, freedom of movement and participation in civil, cultural, economic, political and social life. The Secretary-General was invited to fully incorporate gender issues in the ongoing deployment of the civilian affairs observers in Afghanistan, including to ensure a gender perspective in the selection of the staff of the United Nations Special Mission to Afghanistan in order to enhance women's role in preventive diplomacy, peacemaking and peacekeeping;

(c) Equatorial Guinea (resolution 2000/19): the Commission encouraged the Government of Equatorial Guinea to eliminate all forms of discrimination against women and encouraged it to promote women's full enjoyment of human rights by taking measures such as ending the practice of imprisoning women for not returning their marriage dowry upon separation from their husbands and promoting women's right to education;

(d) Burundi (resolution 2000/20): the Commission recognized the important role of women in the reconciliation process and the search for peace and welcomed the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process. The Government of Burundi was also urged to ensure the equal participation of women in Burundian society and to improve women's living conditions;

(e) Rwanda (resolution (2000/21): the Commission urged the Government of Rwanda and invited the International Tribunal for Rwanda to continue giving utmost priority to the prosecution and punishment of crimes of sexual violence committed against women and welcomed the decision of the Tribunal to give a broad definition to acts of sexual violence. It also welcomed the new law on matrimonial property and succession, which ensures full real access by women to their husbands' and parents' property;

(f) Myanmar (resolution 2000/23): the Commission deplored the continuing violations of the human rights of women, often committed by military personnel, in particular forced labour, trafficking and sexual violence, especially directed towards women who are returning refugees, internally displaced or members of ethnic minorities or the political opposition. The Government was urged to fully implement the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute

and punish those who violate women's human rights and to carry out human rights education and gender-sensitization training, in particular for military personnel;

(g) Sierra Leone (resolution 2000/24): the Commission expressed its grave concern at the continuing abuses of human rights and humanitarian law committed in Sierra Leone and the targeting and abuse of women and children. It urged all parties to the Lomé Peace Agreement to respect the human rights and welfare of women and children. It also urged the Government of Sierra Leone, in collaboration with the international community, to give priority attention to the special needs of women and children, in particular those mutilated, sexually abused, gravely traumatized and displaced. The Commission welcomed the human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(h) Federal Republic of Yugoslavia (Serbia and Montenegro), Republic of Croatia and Bosnia and Herzegovina (resolution 2000/26): the Commission called upon officials of Bosnia and Herzegovina, including those of the Republika Srpska, and the Federation at all levels, to combat vigorously the growing problem of trafficking in women and children;

(i) Sudan (resolution 2000/27): the Commission expressed its deep concern at the adverse effect of the current armed conflict on women and children. It called upon the Government of the Sudan to investigate reports of the abduction of women and children, bring to trial persons suspected of supporting or participating in such activities and facilitate the safe return of affected children to their families. The Government of the Sudan was urged to create the conditions necessary for the Committee for the Eradication of Abduction of Women and Children, established in May 1999, to carry out its work fully, and called upon the international community to expand its support for activities, in particular those of the Committee, aimed at improving respect for human rights and humanitarian law during the conflict;

(j) Islamic Republic of Iran (resolution 2000/28): the Commission welcomed the progress made with regard to the status of women in the areas of education and training, health and integration of a gender dimension into government planning but expressed its concern at the lack of full and equal enjoyment by women of their human rights, and called upon the Government to take measures to promote women's human rights through the review and change of discriminatory laws and practices;

(k) Haiti (resolution 2000/78): the Commission urged the Government of Haiti to institute legal proceedings against perpetrators of human rights violations and to create effective facilities for providing support to the victims, in particular women, children and members of their families;

(l) Cambodia (resolution 2000/79): the Commission welcomed the adoption by the Government of Cambodia, in particular by the Ministry of Women's Affairs and Veterans, of a five-year action plan to improve the status of women, and urged the Government to take appropriate measures to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms and to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women;

(m) Somalia (resolution 2000/81): the Commission expressed its deep concern at reported cases of violence against women and children and condemned the widespread violations and abuses of human rights and international humanitarian law, in particular against minorities, women and children, as well as the forced displacement of civilians.

E. Commission on Sustainable Development

32. The Commission on Sustainable Development held its eighth session on 30 April 1999 and from 24 April to 5 May 2000. It discussed issues related to agriculture, land management and economic growth and adopted several decisions, which stressed, *inter alia*, the need to address women's poverty.

33. The Commission encouraged all Governments to implement measures in order to guarantee women the access to technology to ensure the sustainable use of land and water resources and to develop and adopt policies and implement laws that guarantee well-defined and enforceable land rights and promote equal access to land and legal security of tenure for women. The important role of women in sustainable

agricultural and rural development was emphasized and Governments and relevant international organizations were urged to develop further innovative institutional mechanisms to ensure effective stakeholder participation in decision-making related to sustainable agricultural and rural development.

34. The Commission urged Governments to develop and strengthen frameworks for the effective participation by female stakeholders with regard to the management of land resources, and to pay particular attention to the need for women to receive information on sustainable agricultural practices, technologies and markets through capacity-building programmes that utilize information technology. The need for special attention to women when implementing measures for providing greater security and predictability in a liberalized trading system was also stressed.

F. Commission on Crime Prevention and Criminal Justice

35. The Commission on Crime Prevention and Criminal Justice held its ninth session in Vienna from 18 to 20 April 2000. It focused on the review of the Vienna Declaration on Crime and Justice, and recommended to the Economic and Social Council the approval of draft resolution I[13] for adoption by the Millennium Assembly.

36. The Commission also took account of the results of the Tenth United Nations Congress on Crime Prevention and the Treatment of Offenders, which was held in Vienna from 10 to 17 April 2000, and recommended to the Economic and Social Council the approval of draft resolution II[13] for adoption by the General Assembly. The Congress addressed, *inter alia*, the issue of women in the criminal justice system, focusing on violence against women in prisons, and pointed out the need for research linking policy and practice with regard to women. The need to document successful programmes for women in the justice system was also stressed. Other topics identified included women prison inmates with young children, and the difficulties faced by women as foreign nationals in prison.

G. Commission on Science and Technology for Development

37. At its fourth session, held from 17 to 21 May 1999, the Commission on Science and Technology for Development recommended to the Economic and Social Council the adoption of draft decision II on the Gender Advisory Board.[14] By that decision the mandate of the Board would be extended until 30 June 2001. The Board has given priority to addressing and furthering opportunities for collaboration with the Commission and member Governments. It has established regional secretariats in Indonesia and Uruguay, which play a key role in facilitating and supporting national committees in the region. Negotiations have commenced to establish an African regional secretariat in Uganda.

38. The Board secretariat has provided resources for policy makers interested in implementing the recommendations of the Commission concerning gender issues. The Gender, Science and Technology Gateway has become a World Wide Web resource site for information, activities, experts and organizations on gender, science and technology (http://gstgateway.wigsat.org). The Board is collaborating with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on gender indicators in engineering, science and technology and participated in the UNESCO World Conference on Science, held in Budapest in July 1999. The Board is currently collaborating with UNESCO, the United Nations Development Fund for Women (UNIFEM) and the International Council of Scientific Unions on the initiation of a global follow-up campaign on gender issues.

H. Statistical Commission

39. At its thirty-first session, held from 29 February to 3 March 2000, the Statistical Commission considered the implementation of a project on improving methods and classifications to address gender issues in the measurement of paid and unpaid labour, which had been developed by the Statistics Division of the United Nations Secretariat, in collaboration with the United Nations Development Programme (UNDP) and the International Development Research Centre. The project comprises the following activities: (a) promoting the collection of

time-use data, particularly in developing countries, through the development of methodological materials and other means of technical support; (b) compiling statistics on difficult-to-measure sectors of the economy, including the informal sector, home-based work and subsistence agriculture; and (c) improving the measurement of paid and unpaid work in labour force statistics. Under the project the Statistics Division is providing technical assistance to countries in the design of surveys and in the measurement of the informal sector.

40. The multi-year programme of work of the Commission covering the period 2000-2003 contains several topics related to gender issues, such as household income statistics, informal sector statistics, labour and compensation statistics, and demographic and social statistics.

IV. Activities of the regional commissions

A. Economic Commission for Africa

41. During the period under review, the Economic Commission for Africa (ECA) organized the Sixth African Regional Conference on Women, which served as preparation for Africa's participation and input to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century". Member States submitted to ECA their national progress reports on the implementation of the Beijing Platform for Action, which were incorporated into the "Synthesis report on the implementation of the Platform for Action in Africa" prepared by the Commission. The Commission also prepared 12 thematic reports based on the assessment of the progress made, and constraints encountered, in the 12 critical areas of concern of the Platform for Action. The Sixth African Regional Conference adopted: the African Plan of Action to Accelerate the Implementation of the Dakar and Beijing Platforms for Action, which set out strategies and mechanisms at the national, regional and international levels proposed to resolve the issues that in the past five years have posed serious constraints to the implementation process; and the Declaration of the Sixth African Regional Conference on Women, which summarized the findings of the assessment process, the emerging issues and the priorities for the next five years.

B. Economic Commission for Europe

42. The Economic Commission for Europe (ECE) convened the Regional Preparatory Meeting for the 2000 Review of the Implementation of the Beijing Platform for Action, at which a set of agreed conclusions on five themes (i.e., women and the economy, violence against women and girls, women and girls in situations of armed conflict, women in power and decision-making, and institutional mechanisms for the advancement of women) were adopted. The Meeting provided an impetus for accelerating gender mainstreaming in the activities of the Commission, in particular as they relate to countries with economies in transition.

43. ECE, in cooperation with the Government of Croatia and the Organisation for Economic Cooperation and Development (OECD) lead programme also organized a Conference on Women's Entrepreneurship: East-West Cooperation, in October 1999, which reviewed the situation of women's entrepreneurship in central European countries and made proposals for possible support measures by government, regional and local authorities and financial institutions. As one of the outcomes of the Conference, ECE is in the process of creating a regional network for the support of women's entrepreneurship in the form of an informal Internet-based forum for discussion and cooperation. Its purpose is to promote research, exchange of experiences and identification of policies and best practice to enhance women's entrepreneurship in the ECE region.

C. Economic Commission for Latin America and the Caribbean

44. The Economic Commission for Latin America and the Caribbean (ECLAC) convened the Seventh Regional Conference on Women of Latin America and the Caribbean in Lima in February 2000 in order to assess the progress achieved in the implementation of the Beijing Platform for Action. The Conference adopted the Lima Consensus, aimed at strengthening

the implementation of both the Regional Programme of Action and the Platform for Action.

45. In order to stimulate conceptual and methodological advances on the issue of gender mainstreaming, ECLAC organized an Expert Group Meeting in October 1999. As a result, the Commission received a mandate to elaborate a project on the issue of gender indicators both at the Eighth Meeting of Specialized Agencies and Other Bodies of the United Nations System on the Advancement of Women in Latin America and the Caribbean, in November 1999, and at the meeting of the Inter-Agency Committee on Women and Gender Equality, in February 2000.

D. Economic and Social Commission for Asia and the Pacific

46. The Economic and Social Commission for Asia and the Pacific (ESCAP) organized a high-level intergovernmental meeting to review the regional implementation of the Beijing Platform for Action, in October 1999. The meeting constituted the regional preparatory activity for the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" and focused on key issues within the context of global trends and demographic changes in the region. The meeting adopted a report containing key actions and initiatives to accelerate the regional implementation of the Beijing Platform for Action and was preceded by an expert group meeting in April 1999, which set the framework for the broad issues within which the 12 critical areas of the Beijing Platform for Action would be evaluated.

47. In order to address the feminization of poverty, a regional meeting on the empowerment of women in poverty was organized in collaboration with the Grameen Bank, in July 1999, at which the integration of gender issues into macroeconomic and social policies, effective empowerment mechanisms and social mobilization for the collective empowerment of women were discussed.

48. As a follow-up to the subregional seminar on the promotion of women in small business in Indochina, a business enhancement course for women, aimed at promoting women's economic empowerment through small business, was held in collaboration with the Technical Education and Skills Development Authority, in the Philippines in August 1999.

E. Economic and Social Commission for Western Asia

49. The Economic and Social Commission for Western Asia (ESCWA) provided technical assistance and advisory services to member States in order to accelerate the implementation of the Beijing Platform for Action. In particular, it provided advisory services to Lebanon, Palestine, Qatar and Saudi Arabia in institution- and capacity-building for national machineries for women and non-governmental organizations concerned with women's issues and gender equality.

50. ESCWA carried out a survey to examine the role of non-governmental organizations in implementing the Beijing Platform for Action and the Arab Plan of Action in order to encourage synergy between the work of Governments and non-governmental organizations. ESCWA also implemented joint activities with United Nations agencies and intergovernmental organizations, including the United Nations Development Fund for Women, the Centre of Arab Women for Training and Research and the League of Arab States, working for women's empowerment and gender equality. Activities included the convening of a regional Arab Conference on the Integrated Follow-up to Global Conferences, organized in collaboration with the League of Arab States, in November 1999, which, *inter alia*, included a regional evaluation of the implementation of the Beijing Platform for Action.

51. In 1999, the Commission implemented a plan of action for mainstreaming a gender perspective into ESCWA policies, plans and programmes, resulting from the ad hoc working group established by the Executive Secretary of the Commission in 1998. In order to put the plan of action into force, the following measures have been taken: gender focal points have been designated in each division; gender mainstreaming has been introduced into the planning and programming process (e.g., in the medium-term plan for the period 2002-2005 and in the programme budget for the biennium 2000-2001); workshops have been organized on capacity-building, gender sensitivity, awareness and mainstreaming for ESCWA staff and a visit from a gender adviser from the Office of the Assistant Secretary-General for Gender Issues

has been organized to examine ways to implement gender mainstreaming. ESCWA has also worked on a gender-awareness media campaign to be launched regionwide before the end of 2000.

V. Inter-Agency Committee on Women and Gender Equality of the Administrative Committee on Coordination

52. The fifth session of the Inter-Agency Committee on Women and Gender Equality of the Administrative Committee on Coordination (ACC) took place at United Nations Headquarters from 23 to 25 February 2000. The Committee, whose activities were previously reported in documents E/1999/54 and E/CN.6/2000/2, continues to use a system of task managers for inter-sessional work on its ongoing activities and their reports form the basis for the Committee's decisions at its annual session. Particular emphasis is placed on having as many members as possible, especially non-New York-based entities, including regional commissions, take on task manager responsibilities, or contribute actively to the work of task forces on joint activities inter-sessionally.

53. During the past months, the Committee has met regularly in informal meetings, focusing on system-wide contributions to the twenty-third special session of the General Assembly. In addition to the organization of a series of side events during the special session, entities of the United Nations system continued to contribute to preparations at the national and regional levels.

54. On the recommendation of the Committee, ACC adopted a statement addressed to the General Assembly at its twenty-third special session, entitled "Women 2000: gender equality, development and peace in the twenty-first century".

55. The Committee decided to continue, and to expand, the good practices initiative (task manager: UNIFEM/UNDP), to conduct a content analysis, and to create an analytical framework to provide ongoing summaries of the work displayed on the web site. While the Committee agreed that a publication of good practices would not be prepared because of lack of resources and because it would replicate individual agency efforts, a flyer on the initiative would be prepared. Progress was made in the compilation of gender training materials (task manager: UNICEF/UNDP), which is expected to expand further the availability of gender-related resources on the WomenWatch web site, the United Nations gateway to Internet resources on women. Both projects would be presented in a side event during the special session of the General Assembly.

56. The Committee took note of the completion of the gender focal point study, prepared by the United Nations Population Fund. Based on the findings of that study, the Committee adopted a series of recommendations addressed to all executive heads of United Nations entities and managers who had participated in the study. It also agreed to organize, during the special session, a panel discussion on commitment to gender mainstreaming, featuring senior managers.

57. The Committee discussed and provided further guidance on the study on gender mainstreaming in programme budgets in the United Nations system (task manager: Office of the Special Adviser on Gender Issues and Advancement of Women, with the Division for the Advancement of Women). The study is being carried out in three phases, and the Committee will review the findings expected to emanate from the project at its sixth session, with a view to forwarding them to ACC for endorsement. A briefing on the project for delegations and other participants was organized during the forty-fourth session of the Commission on the Status of Women, and a progress report would be presented in a side event during the special session.

58. Noting the challenges that had emerged in the carrying out of the study on methodologies for gender impact analysis, especially with regard to the availability and use of indicators on gender, the Committee decided to continue that work, and ECLAC took over responsibility as task manager from the World Bank.

59. As at previous sessions, the Committee continued its discussion of resources for the Committee's joint activities. The Committee's joint activities, especially the work undertaken by task managers and task forces, are implemented by members over and above their regular work programme, and without any budgetary allocation. A framework for the future funding of the Committee's joint activities will now be developed by

its Chairperson. This might include the establishment of a trust fund, with contributions being sought from donors as well as United Nations entities, for the exclusive purpose of supporting current, as well as future joint activities, in conjunction with the Committee's annual agenda. Other modalities, such as direct contributions to a task manager/task force for the implementation of a joint activity, will also be considered. The Committee has brought this issue to the attention of ACC.

60. The Committee welcomed the proposal of the OECD/Development Assistance Committee Working Party on Gender Equality to convene the fourth in a series of workshops bringing together members of that group and of the Committee. The Committee endorsed the Working Party's proposal of the topic gender equality in governance, with proposed sub-themes that would focus on the links between poverty, governance and gender equality. The United Nations Centre for Human Settlements (Habitat) (UNCHS) and UNDP agreed to serve as task managers for the preparation, organization and conduct of the workshop, in cooperation with the Working Party. UNCHS agreed to host the workshop in Nairobi from 3 to 5 October 2000, immediately following World Habitat Day (2 October).

61. The Committee continued its active cooperation with other subsidiary bodies of ACC. To that end, it submitted several recommendations to the Consultative Committee on Programme and Operational Questions (CCPOQ) on gender mainstreaming in the United Nations Development Assistance Framework (UNDAF)/common country assessments (CCAs), for reflection in that Committee's work on the Resident Coordinator system. It also established a task force on CCA/UNDAF to work proactively to develop strategies for influencing the CCA/UNDAF process, including to support the United Nations Development Group in gender mainstreaming (task manager: UNIFEM). The Committee also initiated cooperation with the Consultative Committee on Administrative Questions (Personnel), by inviting its Vice-Chairperson to brief the Committee on the work of CCAQ with regard to gender balance and a gender-sensitive work environment.

62. The sixth session of the Committee will take place at United Nations Headquarters from 26 February to 2 March 2001.

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1.

[2] See *Official Records of the Economic and Social Council, 2000, Supplement No. 7* (E/2000/27), chap. I, sect. C.

[3] Ibid., sect. A.

[4] Ibid., *Supplement No. 6* (E/2000/26), chap. I, sect. A.

[5] Ibid., sect. C.

[6] Ibid.

[7] Ibid., sect. A.

[8] Ibid., *Supplement No. 5* (E/2000/25), chap. I, sect. B.

[9] Ibid., *Supplement No. 8* (E/2000/28), chap. I, sect. C.

[10] Ibid., sect. A.

[11] General Assembly resolution 34/180, annex.

[12] General Assembly resolution 54/4, annex.

[13] *Official Records of the Economic and Social Council, 2000, Supplement No. 10* (E/2000/30), chap. I, sect. A.

[14] Ibid., *1999, Supplement No. 11* (E/1999/31), chap. I, sect. B.